



RECOMMENDATIONS OF THE UN COMMITTEE ON THE RIGHTS OF THE CHILD

— How Can We Achieve Them from the Perspective of the Coalition
for Monitoring Child Rights in the Republic of Serbia

/ Policy Paper /

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The Coalition for Monitoring Child Rights
in the Republic of Serbia consists of
five civil society organisations that monitor
and report in various areas of child rights:

Child Rights Centre
Užice Child Rights Centre
Belgrade Centre for Human Rights
ASTRA — Anti Trafficking Action
Center for Social Policy

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Recommendations of the UN Committee on the Rights of the Child

— How Can We Achieve Them from the Perspective of the Coalition for Monitoring Child Rights in the Republic of Serbia

Introductory Remarks

The UN Committee on the Rights of the Child considered the combined Second and third periodic reports on the implementation of the Convention on the Rights of the Child in the Republic of Serbia, and adopted the concluding observations on 3 February 2017, inviting Serbia to submit its next periodic report by 24 May 2022.

Through the concluding observations, the Committee pointed to what is needed to be undertaken in order to improve the implementation of the Convention on the Rights of the Child in Serbia. Measures needed to be taken are primarily the obligation of the state, but the role of the civil sector and the general public is to encourage the state in this matter and cooperate with it. Within the project “Child Rights in Policies and Practices” implemented by the Child Rights Centre in cooperation with Save the Children International, the Coalition for Monitoring Child Rights in the Republic of Serbia prepared this document as the starting point and guidelines for advocacy activities with the aim of implementing the recommendations of the Committee on the Rights of the Child.

This document singles out the recommendations that the Coalition for Monitoring Child Rights consider as a priority, noting that all other recommendations of the Committee on the Rights of the Child are important and that it is necessary to act upon them.

About the Coalition for Monitoring Child Rights in the Republic of Serbia

The Coalition for Monitoring Child Rights in the Republic of Serbia (hereinafter: the Coalition) was established in 2007 on the initiative of the Child Rights Centre, which coordinates its activities. The Coalition advocates the realisation of all the rights contained in the Convention on the Rights of the Child. The first joint activity of the Coalition was the creation of an Alternative Initial Report on the Implementation of the Convention on the Rights of the Child in Serbia. Coalition activities continued after submission and presentation of the report to the UN Committee on the Rights of the Child through the development of Alternative Reports on the Implementation of Optional Protocols to the Convention on the Rights of the Child and their presentation to the Committee on the Rights of the Child. The Coalition prepared and presented before the Committee on the Rights of the Child the Second and Third Alternative Periodic Reports on the Implementation of the Convention on the Rights of the Child in the Republic of Serbia for the period 2008-2014, which was compiled by 16 civil society organisations. Also, the Coalition participated in the second and third cycle of the Universal Periodic Review, in which it prepared reports to the Human Rights Council, as well as annexes to the reports on the progress of the Republic of Serbia in the process of accession to the European Union.

The Coalition consists of five civil society organisations highly profiled in monitoring and reporting in different areas of child rights: Child Rights Centre, Uzice Child Rights Centre, Belgrade Centre for Human Rights, ASTRA — Anti Trafficking Action and Center for Social Policy.

Recommendations of the UN Committee on the Rights of the Child

— How Can We Achieve Them from the Perspective of the Coalition for Monitoring Child Rights in the Republic of Serbia

Suggestions for the realisation of recommendations from the Concluding Observations of the UN Committee on the Rights of the Child from the perspective of the Coalition for Monitoring Child Rights in the Republic of Serbia

The Coalition for Monitoring Child Rights in the Republic of Serbia outlined certain recommendations that it considers to be priority, but all other recommendations of the Committee on the Rights of the Child are very important and the state should take the necessary measures to ensure their fulfillment. Since this is an advocacy document that needs to be brief and concise, the structure of the document is adapted to its basic purpose. Firstly, the recommendation of the Committee on the Rights of the Child addressed to the Republic of Serbia was presented, and it was not given in an integral but in a shortened form, followed by a brief description of the current situation in Serbia and, finally, the suggestion of the Coalition for the implementation of the given recommendation.

Recommendation of the Committee: The Committee on the Rights of the Child welcomed Serbia's efforts to reform legislation related to the rights of the child, but it remains concerned at the inadequate harmonisation of legislation combined with the absence of a comprehensive children's Act noting that the reluctance to enact such an Act poses a significant challenge to advancing the child rights. Therefore, the Committee encourages Serbia to continue harmonising its legislation with the principles and provisions of the Convention on the Rights of the Child, and recommends the enactment of a comprehensive children's Act and the introduction of a child rights impact assessment for all new legislation (paragraphs 6-7a).

Current situation: In Serbia, over 100 legal texts of importance for the rights of the child are currently being implemented, but due to lack of their harmonisation, there are legal gaps, as well as setting of legal situations in which children can be found in a different /uncoordinated manner. This situation, in not a small number of situations, leads to the impossibility of a reliable legal solution and uneven practice, that is, to legal uncertainty.

Suggestions of the Coalition: It is necessary to pass a Law on the rights of the child, which would be the basic law that would later help the harmonisation of other laws related to the exercise of the rights of the child. The process of enactment of the law on the rights of the child should be synchronised with the constitutional changes ahead the Republic of Serbia and which provide the opportunity to raise the basic principles of the child rights to the level of constitutional principles, as well as to introduce into the legal system a separate and independent institution of the protector of the rights of the child.

Recommendation of the Committee: The Committee expressed concern over the fact that the National Action Plan for Children has expired in 2015, and a new one has not been adopted, nor has the former been adequately evaluated to assess its impact. Serbia is recommended to adopt policies that will replace the National Plan of Action for Children and serve as a basis for budgeting and monitoring of policies, ensure consultations with all relevant stakeholders, including children, and to ensure that the new Plan is applicable in terms of adequate human, technical and financial resources (paragraphs 8-9).

Current situation: Serbia has no single policy in the field of child rights since 2016. The National Action Plan for Children has ceased to be valid in 2015, and the new action plan has not yet been adopted. At the end of December 2016, the unanimous decision of all members of the Council for Child Rights initiated the adoption of a new National Action Plan for Children (NAP), but nothing on this issue has been done by the time this document was written.

Suggestions of the Coalition: To adopt a new National Action Plan for Children (NAP).

Recommendation of the Committee: The Committee recommends that Serbia strengthens the role of the Council for Child Rights as the principal institutional co-ordinating mechanism at the inter-ministerial level, giving it a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention on the Rights of the Child at cross-sectoral, national and local levels, as well as to ensure that the Council is provided with the necessary human, technical and financial resources for its effective operation (paragraphs 11 a and b).

Current situation: During the period 2014–2017, the Council for Child Rights has been constituted on several occasions. The tasks and role of the Council were: proposing policies and measures towards children in accordance with international standards; raising awareness about the rights of children in Serbia; promoting the participation of children in the definition and implementation of policy concerning the protection of their rights; conducting analysis of the impact of the measures taken on the realisation of the rights of the child and monitoring of the implementation and protection of child rights in Serbia. All this do not indicate the clear coordination role of the Council, on which the Committee on the Rights of the Child continuously insists. At the time of the preparation of this document, more precisely, at a session held on 27 July 2017, the Government of the Republic of Serbia made a decision on the dismissal and appointment of the President, the Secretary and the members of the Council for Child Rights.

Suggestions of the Coalition: It is necessary that the Government of the Republic of Serbia defines the authority of the Council for Child Rights in accordance with the recommendation of the Committee on the Rights of the Child, and to ensure continuity of its work.

Recommendation of the Committee: In the light of General Comment 19 on public budgeting for the realisation of child rights, it is recommended to establish a budgeting process which includes a child rights perspective and specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system; to establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention; to ensure transparent and participatory budgeting through public dialogue, especially with children, and for proper accountability of the authorities at all levels; to conduct a comprehensive assessment of the budget needs for children and allocate adequate budgetary resources, that is, to increase the budget allocated to social sectors, in particular in the areas of education and social assistance, as well as to address disparities on the basis of indicators related to child rights (paragraph 13).

Current situation: It is currently partially possible to track in the budget system the allocation of funds for children and families with children. Functional classification has been in use for years, but there are problems in the application of this classification, especially at the local level in the category of social welfare. Program budgeting was introduced in 2015 at the national and local levels. At the national level, there is the Family Law Protection program, and at the local level there is a program activity called Support to Children

and Families with Children, while at both levels there is an Education Sector. Indicators for performance monitoring are prescribed, but improvements in classification and indicators are necessary, especially at the local level. The Standing Conference of Towns and Municipalities (SCTM) prepared a proposal for the program classification of social protection and education with detailed elaborated performance indicators that fully enable the monitoring of adequacy, efficiency and equity, but at the time of writing this document, the Ministry of Finance did not adopt this proposal.

Suggestions of the Coalition: It is necessary to insist on the application of the functional classification of the budget system, particularly within the category Social protection, in which one of the classes is Family and children, especially at the local level. Also, it is necessary to adopt the draft program budget prepared by the SCTM for the area of social protection at the local level, bearing in mind the shortcomings of the existing classification and accompanying indicators.

Recommendation of the Committee: In the light of the General comment No. 2 on the role of independent human rights institutions, the Committee recommends expediting of the adoption of the Law on the Ombudsperson for the Rights of the Child to specifically deal with child rights and ensure that such a body has a mandate to receive, investigate and address complaints by children in a child-sensitive manner and allocate sufficient human, financial and technical resources to support the work of this institution (paragraph 17a).

Current situation: The Ombudsperson has wide powers and jurisdiction in accordance with international standards. The Law on the Protector of Citizens has two essential shortcomings in relation to the protection of the rights of the child, which have been identified as key defects after the ten-year implementation of the law: a) the complaints procedure is not adapted to the child — children can not complain independently regardless of their age; and b) the rights of the child are not separated within the institution, but are affiliated with the rights of women. Both of these shortcomings do not comply with international standards or with the requirements of the Committee on the Rights of the Child.

Suggestions of the Coalition: Of key importance for children is the establishment of a child protection/child ombudsperson institution that will be responsible exclusively for the protection of child rights and to which the children will be able to address independently, in a proceeding and in a way adapted to chil-

dren. It is therefore necessary to speed up the process of enactment of the Law on the Protector of the Rights of the Child.

Recommendation of the Committee: The Committee encourages Serbia to strengthen its efforts to provide adequate and systematic training, that is, a sensitisation on child rights to professional groups working with and for children, such as parliamentarians, judges, lawyers, health personnel, teachers, school administrators, academics, social workers, media professionals and others, as well as to pay particular attention to the systematic inclusion of teaching of the Convention's principles and provisions, at all levels of the school curricula (paragraphs 19 a and b).

Current situation: Improving the competencies of professionals working with children is a prerequisite for the effective implementation of the Convention on the Rights of the Child. Until now, in Serbia, there were trainings provided for employees in the judicial system, as well as for educational advisers and inspectors, but this did not systematically resolve this issue because adequate trainings for all professionals who have contacts with children were not provided, including those in the education and child rearing system. Bearing in mind the daily and intensive contact with children, those who work in education should have sufficient knowledge of the rights of the child and the principles of the Convention on the Rights of the Child, but research shows that primary and secondary school teachers do not know enough about child rights, and that there are certain resistance towards the concept and principles of the rights of the child.

During their initial education, teachers do not learn about the child rights, which is necessary to change because a good quality training on the rights of the child is a prerequisite for successful educational and upbringing work with children, especially if we have in mind the planned adoption of the Framework of the subject curriculum — mandatory subjects in elementary and secondary education, which envisage intersubject competence Responsible participation in a democratic society, which means that teachers of all subjects should link curriculum with the content of the Convention on the Rights of the Child within the regular education process. Furthermore, Civic Education is not a compulsory subject but optional, and although it contains topics relating to the child rights, it does not meet the standards set by the Convention on the Rights of the Child — that education on the rights of the child is available to all children at all levels of education. The program of this subject is not sufficiently elaborated, and teaching staff is deficient and not sufficiently professionally trained because there are no specialised teachers for civic education, which is a systemic problem for the introduction of child rights education into regular curricula.

Experiences of successful countries and educational systems in this field of education show that the best results are achieved by using a combined systems in this field of education show that the best results are achieved by using a combined model that implies the existence of a special subject which teaches about the child rights, as well as studying through various subjects within the educational system.

Suggestions of the Coalition: Bearing in mind the current situation in Serbia, it is necessary to introduce mandatory education on the rights of the child to all faculties where future teachers are formed, as well as to those who will work with children within their professional engagement. It is necessary to change the status of the subject Civic Education from mandatory elective to a mandatory subject, which will be taught to all children, from the preparatory preschool program to the end of secondary education. In this regard, it is necessary to provide education for future teachers who could acquire a title of teacher of civic education at faculties for teacher education. Also, it is necessary to adopt changes to the educational law, that is, the Framework of the subject curriculum — mandatory subjects in primary and secondary education, which define intersubject competences.

Recommendation of the Committee: the Committee recommends adoption of the law that would provide a definition of the term 'child' in line with Article 1 of the Convention on the Rights of the Child, and it further recommends the amending of the Family Law to remove all exceptions that allow marriage to persons under the age of 18 years (paragraph 21).

Current situation: Serbia's legislation does not have a general definition of a child. It can be indirectly derived from Article 37 of the Constitution and Article 11 of the Family Law, which stipulate that the majority is attained at the age of 18, which can lead to conclusion that the child is a person under the age of 18. In addition, different laws use different terms related to children.

Family law stipulates that full legal capacity is acquired by majority or by marriage before the age of majority with the permission of the court. It is stipulated that a court may, for justified reasons, permit the marriage to a person who has attained the age of 16 and has attained the physical and mental maturity required to exercise the rights and duties of marriage.

Suggestions of the Coalition: It is necessary to define the concept of a child by the Constitution and a future law that will regulate the rights of the child. In addition, it is necessary to amend the Family Law and remove the possibility of marrying before the age of majority.

Recommendation of the Committee: In the light of the General comment No. 14 on the right of the child to have his or her best interests taken as a primary con-

sideration, the Committee recommends Serbia to strengthen its efforts that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, Serbia is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving interests of the child due weight as a primary consideration (paragraph 25).

Current situation: The Child Rights Centre, in cooperation with UNICEF, has developed Guidelines for the participation of children in civil proceedings and assessment of the best interests of the child, which aims to provide judges with a reliable basis for proper interpretation and application of legal regulations concerning the child's involvement in court proceedings by expressing an opinion and applying the principle of the best interests of the child. Guidelines are a set of practical instructions for work, and specific tools that ensure that the child participates in court proceedings fully and with as little trauma as possible, and that any action taken, the measure and the activity of the court, as well as the decisions taken by the court comply with the principle of the best interest of the child.

In addition, the Guidelines for the treatment of social work centres in the context of civil judicial proceedings concerning the rights and interests of the child have been developed with the aim of providing professionals in the centres for social work a basis for successful implementation of the procedural roles and tasks they have in the civil judicial procedures.

Suggestions of the Coalition: Ensure the implementation of the guidelines, in order to contribute to increasing the efficiency of court proceedings and providing effective legal protection. In addition, it is necessary to work on further capacity building of professionals in order to consistently respect the principle of the best interests of the child in practice.

Recommendation of the Committee: In light of the General comment No. 12 on the right of the child to be heard, the Committee encourages Serbia to ensure that children's views are given due consideration, in the family, at schools, in the courts and in all relevant administrative and other processes concerning them through, inter alia, the adoption of appropriate legislation, the training of professionals, the establishment of specific activities at schools and general awareness-raising (paragraph 29).

Current situation: The Child Rights Centre, in cooperation with UNICEF, has developed Guidelines for the participation of children in civil proceedings and assessment of the best interests of the child, which should help judges in the proper interpretation and application of legal regulations concerning the child's involvement in judicial proceedings, including expressing of the child's opinion and the application of the principle of the best interests of the child.

Suggestions of the Coalition: Ensure implementation of the Guidelines in practice.

Recommendation of the Committee: With reference to General Comment No. 13 on the right of the child to freedom from all forms of violence, and Sustainable Development Goal 16.2 to end, inter alia, all forms of violence against children, the Committee recommends Serbia to establish legislative and other measures to ensure mandatory compliance with the General Protocol and the Special Protocols on the Protection of Children from Abuse and Violence, and ensure that sufficient human, financial and technical resources are available to ensure implementation. In addition, the Committee has made a number of recommendations regarding the protection of children from institutional violence, alternative care, schools, as well as recommendations regarding the organisation of zero tolerance campaigns on violence against children (paragraph 33).

Current situation: A Working Group was established to develop a National Strategy for the Prevention and Protection of Children from Violence. Adopting a strategic document would significantly contribute to establishing a framework for the effective prevention of violence against children. When drafting the strategy, the National Report on Determinants and Factors of Violence against Children in Serbia should be taken into account, a report developed by UNICEF in cooperation with the Teachers Education University in Zurich. This report provides an overview of the situation in the area of prevention and protection of children from violence and provides guidelines for the preparation of the National Strategy and Action Plan for the Prevention and Protection of Children from Violence.

Suggestions of the Coalition: Adopt the National Strategy for the Prevention of Violence against Children and accompanying Action Plan for the coming period in order to establish a proper framework for the effective prevention of violence against children.

Recommendation of the Committee: In light of the General comment No. 8 on corporal punishment, the Committee urges Serbia to explicitly prohibit corporal punishment in legislation, as well as to promote positive, non-violent and participatory forms of child-rearing and discipline through awareness campaigns (paragraph 37).

Current situation: Apart from the long-standing insistence of the part of the expert and scientific public and the non-governmental sector dedicated to children to clearly and explicitly state corporal punishment in the family environment as a form of inadmissible, humiliating and harmful way of child-rearing that is forbidden, this problem is still open. Family law does not contain an explicit prohibition of corporal punishment of children.

Suggestions of the Coalition: It is necessary to take measures to explicitly prohibit corporal punishment of children in Serbia (family law, child rights law) in all environments, including family.

Recommendation of the Committee: The Committee recommends the establishing of a system to track all cases involving child marriages among ethnic groups, particularly Roma girls, and providing child victims with shelter as well as appropriate rehabilitation and counselling services, and develop awareness raising campaigns highlighting the harmful consequences of child marriage (paragraph 38).

Current situation: There is still no system for tracking children's marriages in Serbia, although research shows that child marriages are present and that Roma girls are exposed to this harmful practice. There are no specialised shelters for child victims or developed advisory and support services. There is a lack of awareness raising campaigns about the harmfulness of child marriages.

Suggestions of the Coalition: Establish a system for tracking children's marriages. Establish a state shelter, as planned for 2012, as an integral part of the Centre for the Protection of Victims of Trafficking in Human Beings, with special part tailored for children victims of trafficking. Carry out a campaign to raise awareness at the national level about the harmful consequences of child marriages, as well as the risks associated with trafficking in human beings.

Recommendation of the Committee: Drawing the attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the

Committee recommends Serbia to urgently reduce placement of children under the age of 3 years in residential care institutions, including those with disabilities, and expedite the placement in family-based care; implement measures to reduce the numbers of children in large scale institutions for children with disabilities, and ensure that institutionalisation is used only as a last resort; to ensure that children in institutions are free from all physical or psychological abuse and neglect and hold those responsible to account for such abuse or neglect; prohibit the use of seclusion, physical restraints and isolation as a means of discipline; to ensure that the best interests of the child are respected when deciding on necessary and appropriate medical treatment and that the views of children are heard and taken into account, as well as to raise awareness in society to counter the stigmatisation and discrimination of children in alternative care system (paragraph 40).

Current situation: In Serbia, in the past years, a great success was achieved in the deinstitutionalisation of children, but children with disabilities had little benefit from this process. Children with disabilities and disablements are over-represented in residential institutions (almost 80% of the total number of children accommodated in all institutions for children and young people). Stigmatisation and negative attitudes that have been present for many years have led to the large number of children with disabilities and disablements being placed in institutions directly from the maternity ward. Although there is a ban on the placement of children of up to three years old, with certain exceptions, the institutional accommodation still has children under the age of 3 years, although their number is decreasing. In addition to the Committee on the Rights of the Child, the Committee for the Rights of Persons with Disabilities also expressed concern over the prevalence of children with disabilities in residential accommodation, as well as over inadequate living conditions in homes and the fact that these children are segregated, exposed to neglect and violence, deprivation of privacy, and sometimes potentially inadequate medical treatments without informed consent.

Suggestions of the Coalition: It is necessary to consistently implement the prohibition of placement of children under the age of 3 years in residential institutions. Bearing in mind the current situation, a clear cross-sectoral plan is needed to accelerate the process of deinstitutionalisation of children, especially children with disabilities that are disproportionately represented in residential institutions. Also, until all children are displaced from residential institutions, it is necessary to ensure respect of all their rights in institutions, including the right to freedom from violence and neglect, and to consistently examine every case of violence and neglect, establish responsibility and punish the per-

petrators adequately. It is necessary to organise awareness raising campaigns in society with the aim of overcoming stigmatisation and discrimination of children in residential institutions.

Recommendation of the Committee: In light of the General comment no. 9 on the rights of children with disabilities, the Committee urges Serbia to adopt a human rights-based approach to disability, and establish a comprehensive strategy to ensure the inclusion of children with disabilities, as well as to enhance data collection on children with disabilities, reform the system of social assistance, avoid unnecessary institutionalisation and establish legislative and other measures to enable children with disabilities and in need of constant care and assistance to remain with their biological families through services for children and parents, that is, through financial support and assistance to parents who are unable to work and generate income because they provide constant care and assistance to a child with a disability (paragraph 44).

Current situation: Serbia still does not have a transparent budget for children from particularly vulnerable groups for the implementation of special measures to improve their position. There are no national activities aimed at reducing the stigmatisation of children with disabilities, nor measures at the national level aimed at their inclusion in public life. There are still no reliable data that would contribute to a better organisation of social and other support for children with disabilities and their families, as well as a database through which it would be possible to continuously collect data according to certain indicators. The financial situation of families of children with disabilities is still difficult because current material benefits (increased child allowance and supplement for care and assistance provided by others) are very often not sufficient for families. In the Draft Law on Financial Support to the Family with Children, there are novelties regarding the increase in the amount of child allowance for children with disabilities and the recognition of this right for all children with developmental disabilities and disablements, regardless of their income and property census, but at the time of writing this document this law was not yet in the parliamentary procedure.

Suggestions of the Coalition: Conduct a general awareness-raising campaign in order to reduce the degree of stigmatisation of children with disabilities and their involvement in society, public life and education, involving relevant ministries, independent institutions and civil society organisations. In addition, it is necessary to ensure the strengthening of social protection services and the empowerment of educational capacities, as well as the creation of new services that are necessary for children with disabilities and disablements, especially re-

garding the realisation of the right of the child to live in a family environment. Among other things, it is necessary to redefine and provide services such as a personal child support, home help, a pedagogical assistant and similar, as well as removing obstacles and strengthening the educational system for providing inclusive education. It is also necessary to establish and intensify inter-sectoral cooperation and coordination in order to ensure full social inclusion of children with disabilities and disablements in all spheres of public life.

Recommendation of the Committee: In light of the General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health and taking note of Sustainable Development Goal 3, (targets 3.1 and 3.2), the Committee recommends Serbia to ensure availability of and equitable access to quality primary and specialised health care for all children in the country, as well as to strengthen efforts to ensure that access to adequate health care, including pre-natal care for uninsured pregnant women, is extended to families living in the most vulnerable situations; strengthen and increase support of health mediators in Roma communities and ensure the institutionalisation of Roma health mediators within the health system; support public advocacy to encourage immunisation of children, and provide easily accessible mental health services in the community. In addition and in light of the General comment No. 4 on adolescent health, the Committee recommends development of comprehensive, age-appropriate education on sexual and reproductive health, including information on family planning and contraceptives, the dangers of early pregnancy and the prevention and treatment of sexually transmitted diseases; address the incidence of drug use by children and adolescents by providing children and adolescents with accurate and objective information, aiming at preventing substance abuse, including tobacco and alcohol (paragraphs 46, 48 and 50).

Current situation: In recent years, many measures have been implemented in Serbia to improve access to health care for the Roma population. Among other things, the introduction of health mediators has contributed to increasing the availability of health care for the Roma population and reducing discrimination and stigmatisation. However, there are still some challenges in this area and further development of a system of information on rights, obligations and opportunities, as well as raising awareness and developing cooperation among beneficiaries, health service providers and Republic Health Insurance Fund (RHIF) employees are crucial.

The Committee pointed to the problem of immunisation, but this problem, or the scope of the problem, is not sufficiently emphasised. In recent years it has been observed that the coverage of immunisation of children in some municipalities is worryingly low.

According to data from 2016, which were announced on the occasion of marking the Week of Immunisation, coverage of MMR vaccine in the Nis region is 51%, and in Belgrade only 65% of children. The main reasons for this are found in the lost confidence of parents in the quality of available vaccines, as part of a general decline in trust in the quality of health care, and according to some parents, vaccines can cause risks to children's health.

In relation to the Committee's recommendations on the health of adolescents, especially in relation to reproductive health and the prevention of alcohol, drug and tobacco abuse, it can be noted that the education system does not take sufficient care of these issues. The Ministry of Interior organises workshops on drug abuse in schools.

Suggestions of the Coalition: It is necessary to institutionalise health mediators within the health system. Also, it is needed to create an informing publication about the rights of Roma children in health care and health insurance in the form of brief and concise instructions for procedures for healthcare providers and employees in RHIF. Given the data on immunisation, it is necessary to organise a moderate and well-balanced campaign "For Vaccination", during which the public would be introduced to the risks that may arise as a result of a dramatic drop in the rate of immunisation, based on valid scientific data. At the same time, a reliable and transparent vaccine control system would be provided to restore trust of parents in the vaccination of children. It is necessary to develop and implement reproductive health education. One possibility is that the ministries responsible for health and education work together and prepare a unique education program, and then obligate educational institutions and health centers to conduct trainings, while part of the course can be included in the announced sexual education. The problem of consuming drugs, tobacco and alcohol can be addressed in similar manner, and it would be useful to involve civil society organisations in the implementation of these programs.

Recommendation of the Committee: In light of the General Comment No. 1 on the aims of education and taking note of Sustainable Development Goal 4, (targets 4.1 and 4.2) to ensure that by 2030 all girls and boys complete free, equitable and quality primary and secondary education, and have access to quality early childhood development, care and preschool education, the Committee recommends Serbia to develop programmes, along with monitoring and evaluation of such programmes to reduce drop-out rates; strengthen efforts to provide and promote inclusive education for all children, particularly the most vulnerable (children with disabilities, children from rural areas, Roma children, migrants and asylum seekers); provide additional sup-

port to pupils in the education process, as well as to ensure equal access for all children to early education programs, regardless of the status of parental employment (paragraph 55).

Current situation: One of the key issues related to quality education is the question of pupils' burden of school obligations because it is linked to the child's capacities to have the proper benefits of the educational process. In the scope of General Comment No. 17, the child's burden of school obligations has been directly linked to the exercise of the child right to free time, rest and play. In Serbia, the maximum weekly and daily number of classes in the first and second education cycles is stipulated, but this regulation is not applied consistently, so children in the second educational cycle, for example, are burdened with almost over the entire day of instruction more than it is allowed. It should be borne in mind that the law permits greater burden on children attending classes in the languages of national minorities, which indicates to a lower standard of protection of their rights. In addition, children are given extensive homework, and teaching is often ex-cathedra, meaning that children are not actively involved in the educational process, the lessons are organised in two, sometimes in three shifts, and the children return home it gets dark. School obligations of children should begin with arriving to school and end up leaving school so that a child has time for play, rest, recreation and socialising.

The inclusion of unaccompanied migrant children in the education system in Serbia started at the end of 2016, and the new school year began with enrollment in all schools in the territory of municipalities where there are asylum centers and reception centers. In cooperation with partner organisations, UNICEF provides support to schools in this process. Inclusion of migrant children in schools is not well accepted everywhere, as evidenced by protests around Sid held by parents who do not want their children to attend school together with migrant children. There are also positive examples of schools where these children are provided with a special formal reception in schools. A very positive step is that at the end of May 2017, the Ministry of Education, Science and Technological Development adopted a binding expert instruction for involving all children in the education system, especially considering that in Serbia there are more than 2000 school-age migrant children necessary to be included in the education system without delay. In the previous period, civil society organisations conducted informal educational activities in centers (language learning, math and other subjects classes, trainings).

Suggestions of the Coalition: It is necessary to achieve the consent of all relevant stakeholders in reducing the time children spend in school and school obligations, organise one-shift teaching for all schools and all children, revise curricula and teaching programs, reduce material and adopt a national curriculum. In teaching, it is necessary to apply methods that put the child at the center of the educational process, as an active participant, work with children

using interactive teaching methods and develop values, skills and interests of children.

It is necessary to enroll and integrate all migrant children into the education system, without segregation and without delay, with the introduction of additional support in education for children who do not go to school for long periods during migration, as well as to introduce additional support for learning Serbian language at school, in order to achieve good results during schooling.

Recommendation of the Committee: In light of the General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin, the Committee recommends Serbia to establish fair and efficient asylum procedures which are carried out in a child-sensitive manner, in both procedural and substantive aspects, and which systematically identify and refer unaccompanied or separated children for appropriate protection and support, as well as consider amending relevant national legislation, including the Law on Asylum; ensure full inclusion of asylum-seeking and refugee unaccompanied or separated children into the existing child protection system; provide accommodation in foster families or other accommodation facilities adequate for their age, gender and needs and establish specialised services for children with emotional, psychiatric and behavioural problems; ensure full respect of the principle of non-refoulement, as well as to guarantee the right to acquire Serbian citizenship for all children currently residing in Serbia, who would otherwise be stateless (paragraph 57).

Current situation: The Law on Asylum stipulates the principle of special care for particularly vulnerable categories of asylum seekers, including children, and the principle of representing unaccompanied minors. The obligation to give priority and effective treatment of the authority making a decision on asylum is not prescribed even if the applicant is an unaccompanied minor, although the UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum stipulate that the procedure for minor asylum seekers should be conducted by officers and interpreters who are especially trained in child and refugee issues. So far, not a single unaccompanied or separated child has been provided with refugee or subsidiary protection in Serbia, and the majority did not stay long enough in Serbia to perform official asylum applications and hearings in the asylum procedure. A public debate on a new law that is supposed to improve existing solutions, including the juvenile proceedings, has been completed. Official data show that there are 67 children (out of 1,535 who had sought asylum from the beginning of 2017) without a parent or guardian, and from the situation in the field it can be concluded that the number of unaccompanied children is higher, but they are in irregular status. Positive shifts were noted in terms of assessing the best interests of the child and providing unaccompanied

children with guardians, but in practice it still happens that because of the insufficient number of professional social workers and the lack of interpreters, the children assigned to the guardian can not achieve basic communication. The project “Appropriate care and protection for children without parental company in the situation of migration: Capacity building for quality fostering” is intended to provide a more sustainable solution for unaccompanied children, and through this project it is planned to train 90 foster parents in Belgrade, Nis and Novi Sad for caring for unaccompanied migrant children.

Suggestions of the Coalition: It is necessary that, when identifying and registering, all actors involved in the procedure (Ministry of Interior, Commissariat for Refugees and Migration, centres for social work, health workers) are obliged to provide basic information about their rights in Serbia to unaccompanied and separated children, in a manner adapted to their age and situation, so that children can take part in deciding on issues that concern them. It is also necessary that the officers acting in these proceedings, as well as the interpreters, are especially trained to work with children. In addition, it is necessary to increase and strengthen the capacities of the centres for social work by employing new professional workers in the field and providing adequate education and professional development.

Recommendation of the Committee: The Committee recommends Serbia to establish adequate and coordinated mechanisms for identification and protection of child victims of trafficking, including systematic and timely information sharing among relevant officials, strengthen the capacity of police officers, border guards, labour inspectors and social workers to identify child victims of trafficking, as well as to ensure that child victims of trafficking are provided with specialised care, support and appropriate accommodation (paragraph 63).

Current situation: The Centre for the Protection of Victims of Trafficking in Human Beings is currently the only body with a clearly defined role in the national referral mechanism, which still does not function adequately, and cooperation between relevant institutions and organisations specialised in victim assistance is still weak. In the following period a reorganisation of the police is announced, which implies the transfer of jurisdiction for the criminal offense of trafficking in human beings from the border to the criminal police, which, in the long run, should contribute to a more proactive approach to combating trafficking in human beings, but at the beginning, it is expected difficulties to arise with a large number of police officers who are insufficiently sensitised to work with victims, especially with children victims of trafficking.

The Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children, and the Protection of Victims from 2017 to 2022, should improve the mechanisms for identifying and protecting children victims of trafficking, and one of the goals of the strategy is that children are protected from human trafficking and its consequences by participating programs conducted in their best interests. Also, special attention should be paid to migrant children who are at increased risk of exploitation. In 2016, the Centre for the Protection of Victims of Trafficking in Human Beings received 40 reports of suspected human trafficking among migrants and refugees (31 men and 9 women), and two minors were officially identified as victims. NGOs say that the number of child victims is far greater. The transnational mechanism for referring victims of trafficking in human beings practically does not exist and is based on informal contacts.

Serbia still does not have a specialised shelter for urgent accommodation of children victims of trafficking in human beings, nor does it have specialised child support programs. In such cases children are accommodated in institutions for children without parental care or foster families, where they are not provided with the necessary specialised assistance and support. It is very difficult to get information about the services provided to children in specific cases, as well as the quality of those services. The competent authorities justify this with the need to “protect the privacy of the child”, and under similar pretexts children are rarely referred to specialised services provided by non-governmental organisations, but to a social protection system that is inadequate, non-specialised for the trauma of human trafficking and lacking enough resources.

Suggestions of the Coalition: It is necessary to develop and use indicators for identifying children and adult victims in all phases and for all forms of trafficking. Also, trainings for members of the competent services should be carried out, and the capacity of newly formed units of criminal police, labour inspectors and social workers to identify children victims of trafficking particularly empowered. In addition, it is necessary to officially adopt the Standard Operating Procedures — Protection of Refugee / Migrant Children and implement them in practice. Also, it is necessary to develop specialised programs of support and protection tailored to the needs of children victims, as well as adequate accommodation for them.

Recommendation of the Committee: In light of the General Comment No. 10 on child rights in juvenile justice, the Committee urges Serbia to bring its juvenile justice system fully into line with the Convention on the Rights of the Child and other relevant standards (paragraph 65).

Current situation: The Law on Juvenile Offenders and Criminal Protection of Juveniles is in application since 2006. It prescribes a special type of institutional measure of referral to a special institution for medical treatment and training, as well as the establishment of a special department at the Special Hospital in Belgrade where the measure of the safety of mandatory psychiatric treatment and custody in a health institution is rendered to a minor. However, even after 11 years, no special institution or special department has been established, which creates significant problems in judicial practice because juvenile judges choose the criminal sanctions that can be enforced, which, in concrete cases, may be an inadequate sanction. In addition, this law remained unclear as to whether there is a category of incompetent and juvenile offenders of significantly reduced competence. It is controversial whether the basic requirement for the application of security measures (mandatory psychiatric treatment and custody in a health institution and obligatory psychiatric treatment at large) — incompetence or a significantly reduced competence can even exist in juvenile offenders. Addressing this issue is important for the planned reform of juvenile justice, as well as a clear determination of the “guilt” of the juvenile offender itself, bearing in mind the development of juvenile criminal law in recent decades and the concept of “child-friendly justice”.

Suggestions of the Coalition: It is necessary to enact a new law on juvenile offenders and protection of minors in criminal proceedings, which will clearly address these issues, with particular regard to the fact that sanctions or measures against minors must not be exercised in a manner that emphasises their forcedly character or which presents the risk of physical or psychological injury.

Recommendation of the Committee: Reiterating its previous recommendations, the Committee urges Serbia to establish in domestic legislation an explicit definition of the crime of the sale of children and ensure that it is incorporated into relevant legislation in accordance with articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (paragraph 69a).

Current situation: In Serbian legislation there is no clear distinction between the concepts of the sale of children and trafficking in children.

Suggestions of the Coalition: It is necessary to amend the Criminal Code and criminalise the sale of children in accordance with Articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of

Children, Child Prostitution and Child Pornography in order to improve the situation of children, especially children at risk of becoming victims of criminal offenses with elements of violence.

Recommendation of the Committee: The Committee recommends that Serbia, in order to further strengthen the fulfilment of child rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (paragraph 73).

Current situation: The Republic of Serbia signed the Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure among the first states, but five years after its signing, the Protocol has not yet been ratified. Civil society organisations have launched several advocacy actions for urgent ratification because there is no legal or factual reason why a signed international document should not be ratified. Once again, we recall the importance of this document, with which children and their representatives, for the first time, have the opportunity to address a complaint to an international body — the Committee on the Rights of the Child, when they fail to exercise a certain right at the national level.

This mechanism provides concrete protection and satisfaction to the child whose rights have been violated, while it is also useful for improving the practice of States Parties to the Convention on the Rights of the Child, as the Committee on the Rights of the Child, through this procedure, provides interpretations and recommendations for the improvement of procedures and substantive law provisions of national legislations. This directly exercises the rights guaranteed by the Convention on the Rights of the Child, both in the specific case for which it is being decided and for future similar cases and situations.

Suggestions of the Coalition: It is necessary to urgently ratify the Third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.