

Coalition for Monitoring Child Rights in Serbia, Established in 2007



Child Rights Centre with the DX – Children's Cultural Informative Service (Belgrade)

www.cpd.org.rs



Uzice Child Rights Centre (Uzice)

<http://www.uecpd.org/>
<http://www.atina.org.rs/>



Association Parent (Belgrade)

www.roditelj.org



ATINA
CSO Atina



Association for Development
of Children and Youth (Nis)

www.oknis.org.rs



Amity – The Force of Friendship (Belgrade)

<http://www.amity-yu.org/>



VelikiMali BigSmall (Pancevo)

<http://www.velikimali.org/>



Club YTA – Youth Takes Action (Belgrade)

<http://www.facebook.com/klub.opa>



Target (Novi Sad)

<http://www.target.org.rs/net.html>



Grupa 484

Group 484 (Belgrade)

<http://www.grupa484.org.rs/>



Beogradski centar za ljudska prava

Belgrade Centre for Human Rights (Belgrade)

<http://www.bgcentar.org.rs/>



Odbor za ljudska prava
Valjevo

Human Rights Committee Valjevo (Valjevo)

<http://www.odbor.rs/>
<http://www.forca.rs/index.php>



FAMILIA (Belgrade)

<http://www.familia.org.rs/>



FORCA (Pozega)



Pestalozzi Children's Foundation

Pestalozzi Children's Foundation (Belgrade office)

<http://www.pestalozzi-kinderdorf.de/aktuelles/englisch/englisch.html&sid=9ff7e235e40eb99181d2503a951405b6>



Centre for Interactive Pedagogy (Belgrade)

<http://www.cip.org.rs/>



ASTRA (Belgrade)

<http://www.astra.org.rs/>



Centre for Youth Integration (Belgrade) www.cim.org.rs

With the cooperation of Praxis (Belgrade), <http://www.praxis.org.rs/>

Coalition for Monitoring Child Rights in Serbia: Child Rights Centre with the DX – Children’s Cultural Informative Service (Belgrade), Uzice Child Rights Centre (Uzice), Association “Parent” (Belgrade), Open Club Nis (Nis), Amity (Belgrade), CSO Atina (Belgrade), Club YTA – Youth Takes Action (Belgrade), Belgrade Centre for Human Rights (Belgrade), Human Rights Committee Valjevo (Valjevo), Pestalozzi Children’s Foundation (Belgrade office), BigSmall (Pancevo), FAMILIA (Belgrade), Centre for Interactive Pedagogy (Belgrade), ASTRA (Belgrade), FORCA (Pozega), Centre for Youth Integration (Belgrade), Target (Novi Sad), Group 484 (Belgrade), with the cooperation of Praxis (Belgrade).

Submission for the UPR of Serbia, 15th Session, 21st January – February 2013

I Consultation process

Coalition for Monitoring Child Rights has been established in 2007 and it’s consisted of 18 organisations working on child rights issues. The preparation of the UPR submission began in second half of 2011 by setting up prioritised issues and raising capacities of the Coalition for this specific task. Support and capacity building material are provided by Save the Children. The Document covers child rights issues in Republic of Serbia in period from 2008 till 2012, and considers recommendation given in the UPR process as well as Concluding observations by Committee on the Rights of the Child.

Executive summary

*Child rights state in Serbia have been improving constantly since late 1990, however in a period covered by this Submission several dissonant processes took place. Coordination of national efforts for children has been decreased, budget allocations also had been decreased, and the system for overall implementation is not significantly improved. However, there were a lot of efforts regarding social inclusion of children from vulnerable groups including children in juvenile justice system and protection of children from violence and exploitation. The specific issues covered by this Submission include **equality and nondiscrimination**, pointing out difficulties in birth registration and poor condition for development of Roma children, and lack of efficiency in social inclusion support system. It covers **right to life, safety and freedom** of children emphasising necessity of corporal punishment prohibition and lack of specialised services for children who are victims of violence and children in juvenile justice facilities. **Right to privacy, marriage and family life** is also one of the priorities, putting in perspective specific problems of children living in foster and adoptive families. Lack of specialised services for children with behavioral problems and violation of right to highest standard of health care of children with diabetes is also described in **social security and standard of living** section. But the crosscutting issue for all children in Serbia is poor, outdated and not fully inclusive educational system which does not ensure **right to education** on equal opportunity bases and does not ensure quality education for children in Serbia.*

Key words: Child rights, family, local community, social inclusion, specialized services, funds allocation, protection for violence and exploitation.

II Background and framework

A. Scope of international obligations

Serbia ratified the UN Convention on the Rights of the Child, the first two Optional Protocols. Serbia signed the 3rd OPCRC on 28 February 2012 at the signing ceremony.

Recommendations:

Government of Serbia should take measures to prepare law proposal on ratification of the 3rd OPCRC establishing a communications procedure by end of 2013.

B. Institutional and human rights infrastructure:

Strategies

1. There is no overall strategic plan for child rights in Republic Serbia. National action plan for children, the document, adopted in 2004 covers 7 priorities – reducing child poverty, quality education for all children, better health for all children, improving the status and rights of children with disabilities, the protection of children without parental care, protecting children from abuse, neglect, exploitation and violence, strengthening the capacity of countries to address problems related to children. It was to be revised in 2010, but Government Child Rights Council did not go through the process, and NAP remains the same till 2015. Such situation is evaluated as a great leap backwards in the field of exercise of the child rights, since the clear plan of development is one of fundamental postulates of constant improvement of the rights of the child and in Serbia there is no national strategic framework for this issue. Besides, there are several important sectorial strategies, such as: Poverty Reduction Strategy, National Strategy for Violence Prevention and Children Protection against Violence, Strategy on HIV and AIDS, Strategy on Combating Drugs for the Period from 2009 to 2013, Strategy of Sport Development in Republic of Serbia in the period from 2009 to 2013.

Institutions

2. The Child Rights Council, consultative body of Government of Serbia for the protection of the rights of the child, hasn't worked since 2010. This fact implies the lack of awareness on the need to provide coordinated approach in the implementation of international and national obligations.

Independent institutions for protection of child rights

3. Even though the Protector on Human Rights in the Republic of Serbia has a Deputy Ombudsman for Children, during the aforementioned period which is covered by this report, he has transferred strict jurisdiction of the Deputy Ombudsman for children to other areas of human rights. Furthermore, Deputy Ombudsman for children is optional according to the Law on Protector on Human Rights, and in next mandate it can be omitted.

The law on the rights of the child

4. The legislation in Serbia is not yet fully harmonised with international standards, and standards from the Convention on the Rights of the Child. The Constitution provides that child rights shall be regulated by laws. Working group consisted of experts, appointed by Protector on Human Rights has made the pre-draft to one comprehensive child rights law, during 2010-2011. After the first public hearing in November 2011, a lot of new legal provisions are in continual debate in general and expert public and among the children through Coalition's work with them.

Awareness on the child rights

5. The research on the awareness on the rights of the child in political speeches on general elections in May 2012 indicated that there is, among other things, the lack of awareness regarding the rights of children, and consequently they do not even intend to direct their activities towards children. Also, the lack of awareness of specific risks and their consequences, and needs of

children from vulnerable groups is evident. They have mainly been considered in relation to entire vulnerable groups including adults, that is, without recognising specific needs of each child and without awareness that every child is entitled such right. It was especially evident in case of Roma children, children with disabilities, children in conflict with the law and children who are victims of violence and exploitation.

Budget for children

6. Allocation of budget in the sector of health care system is still on a very low level with tendency to continue its decrease. For 2011 the Ministry of Health has allocated 3.7 billion dinars from budget, which corresponds to the budget of 2003, while this amount is twice as small as the amount allocated for the year 2007. That has a negative effect to the allocations provided for the improvement of health status of children. Besides, the budget is not so transparent regarding the allocation provided for the improvement of the status of children. For the educational system, 3.8% of the gross budget is being taken on an annual basis, with tendency to decrease this rate in the period of economic crisis, and overall 90% of budget is allocated to teacher's and other personnel's salaries.

Recommendations:

Government of Serbia should take measures to:

Adopt overall strategy for child rights

Establish independent, legally justified and clearly defined institution for the rights of the child, in accordance with the General Comments of the Committee for the Rights of the Child, no. 2

Allocate measurable and transparent budget for children.

C. Cooperation with human rights mechanisms:

7. Republic of Serbia is obligated to submit next CRC report in 2013 but any working group for preparing this report is not yet formed by the government. According to this situation, there might be delay in CRC reporting. Additionally, there is no governmental body that is in charge for monitoring and evaluation of existing Concluding Observation and UPR recommendation which put in question any data related to progress measuring.

III Implementation of international human rights obligations

A. EQUALITY AND NON - DISCRIMINATION

Birth registration:

8. Estimates suggest that there are several thousand legally invisible Roma¹ living in Serbia, whose birth is not registered, and who are therefore denied a fundamental human right – the right to be recognized as a person before the law. The problem of legal invisibility has been created by a crossing influence of various factors, including poverty and social exclusion, discrimination on the grounds of ethnicity, inadequate legal framework, poor governance, armed conflicts, state secession, displacement and migrations. The missing birth registration and the lack of personal documents of parents have been recognized as the greatest problem in the registration of newborn children. The legal invisibility of the children makes it more likely that the discrimination and abuse they experience will remain unnoticed.

9. There has been limited implementation of the UPR recommendation² to strengthen the measures which ensure registration of Roma in Serbia. Apart from abolishing the administrative fees, no measures have been taken to address discrimination against Roma children, contrary to Article 6 of the Convention on the Rights of the Child.³

Recommendation:

Government of Serbia should take measures to:

Amend existing regulations to allow birth registration regardless of the legal status of parents and ensure that late birth registration is available and accessible for all children, without discrimination.

Right to development of Roma Children

10. Sensitive status of Roma ethnic minority group is more than alarming. Apart from some measures which are being undertaken, and despite numerous recommendations of the international contracting bodies and procedures, including Universal Periodic Review, Roma children are still in the majority of cases involved in all the areas of violations of child rights. It is also very alarming that a great percentage of girls in Roma societies enter into marriage at a very young age. The percentage of girls entering into marriage before the age of 15 is 14%, while the percentage of marriages in the period between the age of 15 and 18 is up to 50%. That cause early and high drop-out of Roma girl from educational system.

11. Child right to development is also in danger in Roma families due to lack of elementary housing - sanitation and other infrastructure and pure nutrition. Percentage of mortality among infants on national level is 7%, while the mortality of children in Roma societies is 14%. Percentage of mortality of children under the age of 5 on national level is 8%, while the percentage of mortality of children under the age of 5 in Roma societies is 15%. Percentage of prevalence of underdevelopment of children up to the age of 5 in Roma societies is three times higher (percentage on national level is 7%, while the percentage of children in Roma societies is 24%).

Recommendations:

Government of Serbia should take measures to

Implement the UPR recommendations and CRC Concluding observations relating to the realisation of the rights of Roma Children by the end of 2014.

Inclusive education

12. In order to accomplish the inclusion of children with developmental imparities, the Republic of Serbia has made significant encouraging steps, through the process of passing Law on Bases of Educational System (Official Gazette 72/2009), that guarantees that educational system shall be

¹ According to UNHCR's June 2011 survey: 1.5% of Roma are not registered at birth (4,500 persons)

² Human Rights Council, UNIVERSAL PERIODIC REVIEW, Report of the Working Group on the Universal Periodic Review

*Serbia, Conclusions and/or recommendation, January 2009

³ G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No.49) at 167, U.N. Doc. A/44/49 (1989)

available at all levels and for all the children, students and adults (article 2 and article 3), and also that children with developmental imparities are entitled the right to education and discipline in accordance with their educational and disciplinary needs (article 6 and article 77), but this does not happening in practice. There are physical barriers, lack of human resources and assistive technology required for realisation of individual educational plans etc. There is also a very low level of information of parents/caregivers regarding the rights of their child with disabilities in the educational system and its modalities, and also possibilities of the development of their potentials.

13. The Law previses establishment of intradepartmental commissions (IDC) for the evaluation of need for support of children. However, the IDCs are not established in all the municipalities. Even when they are established, most of them do not work, or they work with minimum compensation or no compensation at all. In many cases, their work results in recommendations for the application of inclusive measures which are not practically applicable. One of the key problems is the lack of adequate methodology of evaluation and education of members of intradepartmental commissions, which would not only provide high quality evaluation of the child's needs, but also the transparency and uniformity of the work of commissions in entire region of Serbia.

Recommendations:

Government of Serbia should take measures to

Introduce systematic education/training curriculum for the members of intradepartmental commissions in the field of protection and education, and also professional associates in schools, aiming at an adequate evaluation of needs and planning individual support and composition of individual educational plan for children.

To increase the accessibility of education for children with developmental imparities, by providing financial means for their transportation to the educational institutions and removal of all physical barriers which obstruct accessibility of education for all the children.

B. RIGHT TO LIFE, FREEDOM AND SAFETY

Violence against children

14. Protection of children from the abuse, neglect, violence and exploitation is one of the strategic priorities defined in the National Action Plan for Children adopted in 2004. General Protocol for Protection of Children from the abuse and neglect adopted in 2005 provides establishment of a multi-sectorial approach and cooperation between the professionals from different systems aiming at protection of children from violence. This document was followed by adoption of a series of separate protocols from different systems, which clearly define actions of all separate systems in this field. However, several problems are still very alarming:

- There are no particular multi-sectorial teams for prevention and protection on local level;
- Corporal punishment is common punishment in children's upbringing and it's not forbidden by law - the MISC4 research, conducted during the 2010, shows that 67% of all the families in Serbia use psychological or corporal punishment of children between the ages of 2 and 14, while the percentage of punishment in Roma families is even greater and reaches 86%.
- Peer violence has intensified, and especially its more serious forms.

Recommendations:

Government of Serbia should take measures to

Adopt regulations which shall explicitly forbid corporal punishment as a disciplinary method in the family environment

Adopt all the strategic documents and undertake all the necessary measures in order to establish multi-disciplinary teams and operationalisation of the General Protocol on the Protection of Children from the abuse and neglect on a local level till 2014.

Children in institutions of the juvenile justice system

15. Apart from a series of undertaken measures in the process of reform in the field of juvenile justice system in the Republic of Serbia, there is still a need for further improvement of this area in order to provide complete implementation of standards and obligations contained in the Convention on the Rights of the Child. In such manner, the problem of lack of implementation of diversion orders - which allows a case to divert from traditional criminal procedure, along with the lack of adequate conditions and precisely defined standards for juveniles in detention, lack of conditions for implementation of measures alternative to detention, lack of network of institutions which might execute criminal sanctions, and especially institutions for execution of safety measures of treatment in a psychiatric institution and implementation of education measure of a high quality supervision and daily care in an adequate institution. There is also a problem of lack of awareness among juveniles regarding their rights during the court procedure, and especially during their detention in other institutions which implement the criminal sanctions. Furthermore, educational and psychological support of juveniles in the institutions of juvenile justice system is on the low level and there are not enough reasonable activities and required educational curriculum, (Educational programs are not available to the extent required, which is one reason for poor reintegration into society upon release from detention, that is, from the institutions of correctional type).

Recommendations:

Government of Serbia should take measures to:

Establish separate organisational unit within the Ministry of Justice which would be assigned to coordinate all the activities which may provide grounds for implementation of legal institutes (both within the Ministry and in cooperation with other relevant ministries and institutions), gather and collect all the relevant data and represent complete support in development of juvenile justice system;

Adopt the *Sub-Law on the Implementation of the Juvenile Detention Measures* which would clearly regulate the rights and obligations of minors and create conditions for the implementation of measures alternative to the detention (both at the level of creating conditions for their realisation in practice, and establishing a new ones at the level of legislation)

Children who are victims of trafficking and lack of program of rehabilitation and social inclusion

16. The occurrence of child trafficking is socially more evident and recognisable to the general public as an issue that requires more adequate and efficient systems of prevention and protection (Agency Coordination for Protection of victims of the human trafficking⁴ has identified 245 children as victims of human trafficking in the period from 2004 to November 2011. Out of total number of victims identified in 2010 and 2011, 39% were children. In the period between 2002 and 2010, NGO Astra identified 351 victims among whom 38% (134) were children. During the past two years this percentage has risen to 41.5%). This is also recognised by the Committee on the Rights of the Child which, considering the report of the Republic of Serbia on the

⁴ This service was founded in 2004 by the Ministry of Labour and Social Policy of the Republic of Serbia.

implementation the Convention on the Rights of the Child, gave concluding observations and recommendation that the Republic of Serbia as a state party for the Convention should draft a comprehensive National strategy to prevent child trafficking and sexual exploitation of children. In order to prepare the Draft Strategy in early 2009 a Working Group composed of representatives of civil society organisations (Child Rights Centre, ASTRA, Atina and Beosupport) and the Government sector (National Coordinator for Combating Trafficking in Human Beings, Office for the Coordination of protection of trafficking victims, representatives of the Ministry of Interior and the Ministry of Labour and Social Policy) was formed. The working group has finalised a Model National Strategy for prevention and protection of children from trafficking and exploitation of children in pornography and prostitution as a basis for further operationalisation of the strategic goals and measures, and its implementation is expected improve the existing system. In 2010 and 2011, in cooperation with the Ministry of Human and Minority Rights, Public Administration and Local Self-Government, Ministry of Interior, Ministry of Culture, Information and the Information Society, Ministry of Labour and Social Policy, the Department for Coordination of Protection of Victims of Human Trafficking, the Higher Public Prosecutor's Office in Belgrade, organisational unit of Interpol for Serbia and associations of citizens Beosupport, Atina and ASTRA, Child Rights Centre has developed the *Draft National Strategy for prevention and protection of children from trafficking and exploitation of children in pornography and prostitution*. The Draft Strategy was submitted for further consideration to Mr. Ivica Dačić, Deputy Serbian Prime Minister, President of the Council for Combating Trafficking in Human Beings of the Government of Republic of Serbia, and with the aim to adoption by the Government of the Republic of Serbia. The strategic document should be accompanied by making of three operative documents - action plans (for the area of prevention and protection of children from trafficking, exploitation in prostitution and pornography).

17. Even though the Republic of Serbia has accomplished a lot since 2001, when the first activities of fight against human trafficking began, specialised programs for accommodation and rehabilitation of children who are victims of trafficking are not yet established, nor are there programs of social inclusion. In Serbia, in past period, there was only one SOS line (NGO ASTRA), and only two shelters for victims of human trafficking in Belgrade (one of them has stopped working in autumn of 2010) which were mainly opened for adults. In the summer 2011, another two asylums (in Novi Sad and Nis) have expanded their capacities and now, apart from victims of domestic violence, they can provide shelter to the victims of human trafficking as well. Specialised shelters for children who are victims of trafficking does not exist and if a child is not returned to the family (when there are not adequate conditions and in case such thing is not safe) it is being accommodated either into the shelter for adults or into some of the institutions for protection of children without parental care where there are no specialised programs of social re-integration (according to the data provided by the Agency, during the past two years 30% of the victims are placed in institutions, 13% in the shelters and only 15% in the foster families).

Recommendations:

Government of Serbia should take measure to:

Adopt National strategy to prevent child trafficking and sexual exploitation of children;

Systematically find a solution to provide immediate accommodation of children who are victims of trafficking and introduce new social reintegration programs for children;

Organise continuous education aiming at awareness raising among the employees in the institutions of child protection, and also training of foster families.

C RIGHT TO PRIVACY, MARRIAGE AND FAMILY LIFE

Fostering and adoption

18. In the previous decade, and especially in the period between 2008 and 2011, the Republic of Serbia had made significant steps in the process of deinstitutionalisation and family care of children without parental care thus, at the moment, their percentage within the social care institutions is only 15%, with tendency of further decrease. Basic difficulties regarding children without parental care can be classified into four categories:

19. There are not enough services of support for children and families. Establishment of centers for fostering is a positive step, but their number (5 centers) and territorial arrangement are not in relation with the number of users and the task of the system for equal access of services. Apart from that, the centers do not have capacity for providing profiled interventions and treatments, i.e. types of psychological and therapeutic services, which are at greatest deficit and which demand long-term systematic staff training.

20. The lack of support of juveniles without parental care in the process of gaining their independence.

21. Course of social policy feverous fostering as temporary means of protection, more than adoption and support within biological family. Adoption is considered to be the last solution, which can be clearly seen through the fact that during the 2010, there were 139 children adopted (which is only 1% of children without parental care). Post-adoptive services are not developed, while the preparation for adoptive parents is relatively short and it is not the same for every center.

Recommendations:

Government of Serbia should take measure to:

Provide licenses and integrate into the system the existing efficient providers of services outside of the state sectors.

Prioritize services and support for biological family in social care policies.

D RIGHT TO SOCIAL SECURITY AND AN ADEQUATE STANDARD OF LIVING

Children with behavioral disorders

22. According to the Report of the ISW⁵ from 2010, number of children with behavioral disorders recorded by the centers for social work overpasses 26 000, which is more than 13% of all the recorded children. It should be specifically emphasised that the number of children and juveniles with behavioral disorders is much higher, since the system respond to the problem only when children have come into conflict with the law, which means that majority of children younger than 14 are not provided with any kind of support. Up to now, specific services of treatment and support of children and endangered families are not being developed enough and the state does not have services incorporated into the educational, social or healthcare services system aiming at treatment of behavioral disorders or their prevention.

Recommendations:

Government of Serbia should take measure to:

Introduce development of specialised services for children with behavioral disorders and their families in policies and action plans in area of social and healthcare and ensure programing budgeting for such services till 2015.

Children with diabetes

23. Children in Serbia are entitled to the highest standard of health care by law, but these rights are very often derogated by by-law procedures. One of the most serious examples is situation with insulin/analog therapy. Children are not fully entitled the right to free insulin-analog

⁵ Institute for Social Welfare for 2010.

therapy, which is not in accordance to the highest standards of health care. In 2009, the Committee on Diabetes has submitted the recommendation to the Health insurance fund and the Ministry of Health, to remove additional conditions for proscription (stated in the bylaws which define the manner of exercise of this right), of previous using human insulin therapy for children under the age of 5, for the therapy with human insulin for children under the age of 5 may cause serious complications of their health. But Fund and the ministry kept the previous using of human insulin therapy condition for prescription of insulin-analogs until now.

Recommendations:

Government of Serbia should take measure to

Ensure that opinions of expert bodies are taken into account when regulates procedures and standards for services for children and allocate public funds.

E THE RIGHT TO EDUCATION AND PARTICPATION IN THE CULTURAL LIFE OF SOCIETY

Goals and the quality of education

24. Both the professionals and employees in educational institutions, including the students themselves, agree that educational system in Serbia is entirely based on outdated methodology which uses inadequate and insufficient teaching methods and literature. There is a lack of an adequate equipment in schools and other educational institutions, lack of interactive involvement of pupils during the classes, separation of theoretical and practical knowledge, inability to adjust curricula with individual needs and interests of students, insufficient inclusion and numerous other practical and methodological problems.

25. Research on the quality and goals of education in Serbia shows that the level of involvement of education in the field of human rights and the rights of child is very low, even though the human rights education and intercultural education is set as priority in all member states of international contracts and agreements. In Concluding Observations from 2008, the Committee for the Rights of the Child gives several recommendations to Serbia in order to improve the situation of the rights of the child in this field. Especially alarming is the result of the ratio regarding the data of one research conducted by the Child Rights Centre, where 41% of secondary school students have no clear idea about human rights and they do not know whether it is justified social subject or “fashionable trend which comes from the West”.

Recommendations:

Government of Serbia should take measure to

Establish multi-disciplinary expert team within the ministry of education with task to define the strategy of overall reform of educational system in Serbia by the end of 2013 and its adjustment with needs of modern society, which might start its implementation immediately after its adoption.

Gradually incorporate the rate of budget provided for education into the strategy of reform, so that this budget contains at least 6% of the gross social product in 2020.

Accessibility of education for children in rural areas

26. In 11 municipalities of Serbia there are more than 400 children who walk to school without having an adequate transportation to their elementary school. The research on exercise of the rights of the child regarding the access to free elementary education conducted by the Coalition in the second half of 2011 in 47 poorest municipalities in Serbia has shown that in Serbia there is a large number of pupils who walk to school on a regular basis for more than 8 km to school and back home (4 km in one direction), and who should, according to the Law on Elementary School, be given free and organised transportation to school. In 11 municipalities which provided precise

and detailed data, this number overpasses 400 and additional collection of data for other municipalities is still in the process.

Recommendations:

Government of Serbia should take measure to

Proscribe specific procedure for unified budgeting and control of cost for organised transportation in all local self-government units for fiscal 2014 year.