

The Child Rights Centre - Belgrade

# Child Rights in Serbia 2004.

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## FOREWORD

This Report follows the Committee on the Rights of the Child General Guidelines on the Initial and Periodical Reporting for states parties to Convention on Rights of the Child. A version of this Report is available in Serbian in hard copy from the Child Rights Centre, Belgrade.

During the 2004, Child Rights Centre invested significant effort to define the indicators for evaluation and assessment of the status of children and realization of their rights. In defining these indicators, we were guided by existing ones in the National Plan of Action for Children and in UNICEF materials. But, most of the indicators were internally developed, particularly the ones pertaining to legislation. We believe that this represents only the first step toward the creation of a set indicators in order to systematically monitor the implementation of the Convention.

In spite of many obstacles characterizing the previous years as well as this one, we were able to prepare a Report that will continue to serve us, both methodologically and content wise, as a benchmark to monitor the status of children in Serbia. Especially important is that, unless we continue to rely on a methodological approach, it will be almost impossible to prepare a comprehensive and reliable Alternative Report on Implementation of the Convention for the Committee on the Rights of the Child, which will, certainly, be one of the most important tasks for us in the forthcoming period.

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1) Full versions with supporting documentation can be found at [www.cpd.org.yu](http://www.cpd.org.yu)

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## EXECUTIVE SUMMARY

During 2004, there were no significant initiatives, programs or projects that would allow us to conclude that considerable improvement was made in the protection of child rights in Serbia

It is evident that the State mechanisms for implementation, monitoring and evaluation of the activities related to ensuring the Rights of the Child are insufficient in all areas and levels. Inter-sectoral cooperation is almost nonexistent between - education, health, social policy, justice, finance, etc. - including the lack of planned collaboration with the NGOs and citizen Associations.

Serbia remains characterized by a high level of centralization in almost all systems, which greatly limits citizens' ability (especially minorities) to assert their rights and satisfy their needs on the local level. In the existing system, local communities have no allocated resources or real ability to self-finance. Communities lack an enabling environment which inhibits the initiative and motivation to address the issues that affect them. Consequently, the participation of citizens, including children, is almost nonexistent, and new initiatives at the local level are slow in developing.

Adjustments of national laws to correspond with the requirements of the Convention on the Rights of the Child were minimal. There were no significant activities except for the creation of the proposals for the new Family Law and the Law on Juvenile Justice.

The major legislative change registered in 2004 was the amendment of the Law on the Bases of Educational System of the Republic of Serbia (2003) whereby mandatory education was shortened from 9 to 8 years.

The Council on Child Rights was more or less inactive. This government body appears to have neither sufficient authority nor enough members to maintain communication about relevant issues with all relevant stakeholders. Only two Council meetings (one of which was the initial) were scheduled and held during the entire year.

It is very difficult to monitor expenditure on issues that affect children. This problem starts with the fact that there are no separate budget allocations for children in Serbia. The funds from the State budget are allocated to various sector Ministries. That way, only indirect indicators on spending on children can be gathered from the functional classification on planned spending that are in some way related to the areas influencing the status of children.

The absence of reliable data on children represents one of the greatest problems in monitoring the rights of children in Serbia. Here, we primarily refer to insufficient data and the accuracy, reliability and validity of the existing data, and its disaggregation. The existing data is most frequently related to expenditure on child support and other financial support to families, numbers of children placed in insti-

tutions of social care, number of children attending school and children in conflict with the law. Separate Ministries or the appointed state agencies are responsible for data collection. The Statistics Office of the Republic of Serbia summarizes this data, using methodology that makes it exceptionally difficult to draw any reliable conclusions about the status of children in Serbia. However, the work on defining the specific indicators (besides the existing global ones) that would allow continuous monitoring of the status of children and their rights continued during the year 2004, suggesting that things would move forward in this area in the year 2005.

The question of information dissemination and raising the general awareness about child rights is still not addressed, which is directly related to the lack of a national strategy for implementation, enforcement and monitoring of the Convention on the Rights of the Child. The existing processes are usually fragmented campaigns addressing separate areas of child rights and are conducted mostly by the non-government sector.

An independent system for the protection of child rights in Serbia still does not exist, just like the independent mechanisms for monitoring human rights in general. In that sense, the right of the child to independent legal representation in all legal proceedings and administrative actions about matters that concern that child does not exist either. This could be partly resolved through establishment of an independent institution of ombudsman for children.

The current political circumstances induce fear rather than hope that the reforms to improve the rights of children will be continued to enable Serbia to reach international standards.

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## OUR RECOMMENDATIONS

We think that most of the recommendations given in our 2003 Report apply for this year as well.

It is necessary to develop multi-sectoral cooperation by: improving communication and information exchange; creating and strengthening the government bodies; establishing the Parliament Committee for Child Rights; strengthening the position and role of the Council for Child Rights and creating similar bodies on the local and regional level.

The state should work more on developing mechanisms for decentralization of responsibilities and de-concentration of finances from the Republic into the local or regional level in the next year.

The major problem we anticipate in the area of implementation is that Serbia will adopt the laws adjusted to European and international standards, but will lack the mechanisms to enforce, monitor and evaluate their effects. That is why it is absolutely necessary to define these mechanisms for every legal regulation.

Recommendations to improve the General Measures of Implementation:

- Continue to review existing laws and the legal system to bring legislation affecting children in line with international standards and the Convention on the Rights of the Child.
- Reform of the legal and administrative system that would allow the effective use of the courts and legal remedies for the protection of child rights.
- Full enforcement of the Convention on the Rights of the Child, including a wide promotion of this international document.
- Introduction of monitoring and reporting mechanisms, like, for example, Ombudsman for children.
- Creation of a separate budget lines for children within various sectors to allow duty bearers to be better held accountable for planning and implementation
- Increasing the capacity and authority of the Council for Child Rights (an independent government body) and, if possible, creation of the similar councils on the regional/local level.
- Enforcement of the National Plan of Action for Children, with emphasis on general principles of non-discrimination, best interest of the child, the right to survival, growth and development, and the right to participation.

Besides these general recommendations, some specific ones were identified during the analysis of the current situation:

- More assertive measures are needed to decrease and eliminate child poverty.
- Further continuation of the reform projects that began in the previous period, and were stopped or slowed down this year.

- Serbia's active participation, individually or jointly with Montenegro and other countries in south-eastern Europe, in combating the drug and psychotropic substance abuse, child trafficking and other abuses of children.
- Development of measures for early detection and mitigation of violence against children in families, schools, on the street, and in social care and protection institutions.
- Creation of the system of juvenile justice with diversion measures and more alternatives to institutional measures.
- Development of the specific programs for children from minority groups, including the programs for increasing their access to services and those that provide cultural awareness and appreciation.
- Development of the mechanisms for monitoring the status of children who are placed in the social protection system and correctional institutions with a special focus on the reform of the system of adoption and foster care, and incremental elimination of institutionalization for children without parental care.
- Assessment of the child labor situation and implementation of remedial actions
- Development of special programs for „street children“.
- Development of safe, accessible and creative leisure programs for children.

## BACKGROUND

The year was characterized by political rivalry and animosity between the Serbia and Montenegro Republics and their various political parties, which only just managed to avoid alienating the donor and international community. The fact that political disagreements between the parties in the democratic alliance intensified during the 2004 seems especially alarming. Reforms needed to reduce the impacts of poverty, improve education and social services were slowed down or stopped.

During the year, child rights were marginalized. Very few political leaders, policy and decision-makers spoke publicly about children and their rights, except prior to elections or after incidents involving children. This Report is important as an attempt to attract the attention of local and international community to the marginalized status of children in Serbia.

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## POLITICAL CHANGES IN SERBIA IN 2004 AND THEIR EFFECT ON CHILD RIGHTS

After the December 2003 general elections, lengthy negotiations among the political parties resulted in the creation of a coalition Government of minority parties. It took several months to form a government and appoint ministers. The change of power resulted in the changes of the senior personnel in almost all agencies instituted by the Republic, and a similar thing happened in local municipalities. The new personnel/ administration in each Ministry then questioned and evaluated every existing project and decision made by the previous Government. It seems that every change of government inevitably results in slowing down the implementation of activities, especially the ones related to children. Similar problems beset the local self-government authorities.

The election for the President of Serbia represented one of the few major changes that occurred on a political scene during the last year.

Hints that the EU Feasibility Study could be positive and open the dialogue about Serbia and Montenegro entering the European Union, are certainly promising, but at the time this report is being written, it still remains an uncertainty.

The major political issues remain unsolved: the status of Kosovo and Metohija; the relations between Serbia and Montenegro and full cooperation with the Hague Tribunal. The lack of political and economic stability could greatly jeopardize the long-term policy planning in the realm of protection of child rights.

The lengthy period it took to form the new Government and establish the new administration at the Republic level led to a reduction of activities in virtually all the areas, resulting in stagnation, and even a complete halting of the reform processes. Some parts of the Serbian Government, like, for example, the Ministry of Sports and Education, The Ministry of Labour, Employment and Social Policy, the Ministry of Health, the Ministry of Justice, were practically inactive during the first half of the year. Sometimes, the actions they did take represented a step back, especially in the area of education.

The above described processes affected the work of the Council for Child Rights with the Government of Serbia, which was constituted once again, in the new contexture, at the very end of July, and since then, until the end of the calendar year, held only two meetings.

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## PREVAILING ATTITUDES ABOUT CHILDHOOD

Even though the status of children in Serbia is directly contingent upon the political, economic and societal circumstances, it also depends on attitudes toward children, and the understanding of what their rights should be. The patriarchal extended family still plays an exceptionally important role in Serbia and Montenegro - as the main provider of support and influence. These patriarchal characteristics are more visible and dominant in the south of the country. Attitudes toward women, therefore, toward female children as well, are predominantly discriminatory, and, again, more so in the south of the country than in the north. One of the most prominent characteristics of the traditional approach toward children is the tendency to overprotect them, at least declaratively, undermining their right to participation, as well as their right to privacy and expression of thought and opinions.

Similar attitudes and practices are visible in the education, health and social care and protection systems, as well as in judicial bodies. Traditional attitudes are clearly held by the majority of those who are major political decision-makers and policy-creators, too. Of course, it would be unrealistic to expect different attitudes and treatment toward children in the country where not even the most basic human rights are yet accepted and adopted in the society. The family situation - crucial for the proper development of every child - is very bleak. Most families in Serbia are faced with a growing threat of poverty and inability to maintain basic household standards. At the same time, the state cannot provide the adequate help, not only because a growing number of families needs help, but also because the state itself is extremely poor, and must use its limited budget for the basics - social security allocations, replenishing dilapidated pension funds - but also to support a gigantic administration, army and police.

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## GENERAL MEASURES OF IMPLEMENTATION

As noted in the 2003 Report, during its thirty-fourth assembly in October of 2003, the Council for Child Rights, the monitoring body of the Convention on the Rights of the Child, adopted the General Commentary #5 titled „General Measures of Implementation of the Convention on the Rights of the Child“. This document elaborates on article #4 of the Convention, and serves as an explanation of the measures that should be undertaken on the national level to protect the rights of children.

General application measures identified in the General Commentary #5 are directed at assuring the complete realization of all rights for all children through: law reform, creating bodies for coordination and monitoring (government and non-government), generating an extensive data base, increasing awareness, developing strategies, implementing services and programs with systems for monitoring and evaluation.

In the 2003 Report, we attempted for the first time to analyze the elements of general measures of implementation aimed at protecting the rights of children in Serbia undertaken by the executive, judicial, and legislative branches, and we will continue this trend in our 2004 Report.

### 1. National Consensus

We are emphasizing that a responsible ratifying country should adopt the National Strategy to assure complete implementation of the Convention on the Rights of the Child. Such a Strategy should have clearly identified goals, objectives and indicators of progress in the area of protection of child rights. There is still no consensus regarding the long-term strategy for improving the status of children in Serbia.

Following the obligations under the Convention on the Rights of the Child, the Government of Serbia began preparing the Initial Report on the measures it has adopted to gratify the rights from the Convention in 2003.

Serbia and Montenegro create their Reports separately, and then collate them to be submitted as one Report to the Committee on the Rights of the Child in Geneva. Preparation of this Report presented an excellent opportunity to assess the real situation collaboratively with all actors in the society, including children themselves. This was not done, however, and the Report is being written without any collaborating NGOs, and, as far as we know, no children participated either.

Only at the final stage was a draft made available to NGOs. The responsible Ministry for Human and Minority Rights encouraged all interested parties to submit their opinions and commentaries. The Child Rights Centre, indeed, sent its comments to the Ministry. According to the latest available information, Serbia completed its Report, while Montenegro has not. Therefore, a joint Report has not yet been presented to the Committee.

Preparing the National Plan of Action for Children was our country's agreed obligation from the World Summit for Children in New York 2001. A National Plan was created by the Council for Child Rights, and adopted by the Government of the Republic of Serbia in February 2004.

National Plan of Action represents a valuable framework for improving the status of children in Serbia, but this document, adopted by the Government, was never discussed in the Parliament of Serbia, or any of its bodies.

The document itself contains seven major components:

1. Reduction of poverty among children
2. Quality education for all children
3. Improved health for all children
4. Improvements of rights and status of children with disabilities
5. Protection of children without parental care
6. Protection of children against abuse
7. Increasing country's capacity for solving the problems of children

For each area, there are defined strategic goals, activities and indicators for monitoring their implementation.

During the second half of this year, responsible Ministries began developing their own Action Plans for the areas under their jurisdiction, and the Statistics Office of the Republic of Serbia continued systematization of specific indicators.

## 2. Correlation between the national Laws and the Convention

The consensus seems to be that many laws related to children and their rights are ineffective, anachronous, and need modernizing in line with the international legal documents and guidelines such as the Beijing Rules.

Our politicians have a sinewy tendency to change parts of certain Laws every time a switch in power occurs, while rarely creating new Laws correspondent to international standards. For example, since the Law on Social Security of Citizens and Financial Protection of Families was adopted fourteen years ago, there were nine Laws with Amendments and Additions to its original text, which means that this particular law, on average, was changed every seventeen months. Conversely, some laws remain unchanged for decades, in spite of being totally out of step with international conventions and treaties ratified by Serbia.

After ten years of exertion, a new Family Law was passed in 2004. The „expert“ community concurs that, for the most part, this Law corresponds to international standards. However, it does not contain the definition of the family, child, and the rights of the child.

A proposal for a new Law on Juvenile Justice was made in 2004. This proposal comprehensively defines the responsibility and status of minors<sup>2</sup> who commit a criminal act, legal proceedings, and the sanctions that can be applied. It also

2) Children aged 14 to 18 years

contains articles pertaining to the protection of children who are victims of crimes, or witnesses in criminal proceedings. Finally, juveniles are separated from the adult Criminal Justice system and all matters related to minors in conflict with law are addressed by one comprehensive law.

However, the Law on the Bases of Educational System of the Republic of Serbia, created through wide participative processes, whose level of harmonization with the Convention was very satisfactory, that was passed by the previous Parliament of Serbia, was changed during the 2004. „Expert“ community unanimously agrees that the changes were a clear step backwards.

## 3. Implementing the Convention on the Rights of the Child

Article 10 of the Declaration on Human and Minority Rights adopted by the Parliament declares that Serbia will comply with all international agreements related to human rights, the rights of minorities and civil freedoms. Therefore, if the directives in the existing domestic laws are lacking or are in discord with international laws, Convention on the Rights of the Child should be enforced and administered directly.

This year, just like the last one, the Child Rights Centre did not uncover any information indicating that any of the judicial and administrative bodies in this country directly invoked or applied an article from the Convention.

## 4. Effective protection measures

The legislature of the Republic of Serbia assumes protection of child rights through use of standard legal proceedings and through due process, with appeals to the Supreme Court of the Republic of Serbia.

An independent system for protecting child rights in Serbia has not been developed yet. A child right to independent legal representation is virtually nonexistent, as is the system of „protective rights of the child“. In other countries this issue is solved by the creation of the independent ombudsman for children.

The Regional Parliament of Vojvodina recently instituted the independent ombudsman for children, and appointed one of its deputies to serve that function.

After the ratification of European Convention on Human Rights, citizens of Serbia, including children, have an option of appealing and exercising their due process right in the European Court in Strasbourg if one of their rights has been violated.

## 5. Coordination and implementation of the Convention

There are no set mechanisms to provide the multi-sectoral and multi-ministerial cooperation in Serbia among the relevant education, social protection, judicial,

finances, health, police and employment agencies. There are virtually no examples of multi-system provision of services.

A step forward was made at the end of the last year when the Parliament of Serbia approved the creation of a Subcommittee on the Rights of a Child as a part of the Committee for Gender Equality.

This year, the Strategy for Providing Roma with Equal Opportunities and several Strategies in the areas of health, social protection, and education were developed. However, since the mechanisms for implementation, monitoring and evaluation are still lacking, we could end up with many fragmented and disconnected Strategies whose implementation will be assumed by various Ministries, independently and without any coordination.

Lack of monitoring and evaluation mechanisms presents a problem in practice, especially since the existing state mechanisms for protecting child rights are inefficient and „child-unfriendly“.

The Educational Council of Serbia, consisting of 28 independent experts, was created in 2003 with assumption that child rights and multi-sectoral cooperation will be addressed earnestly. The new Parliament of Serbia, created more than a year ago, has not appointed the new members of this body to this day.

The Centers for Evaluation in Education developed some evaluative and monitoring mechanisms in 2003, but were reorganized and restructured during 2004 in a manner that brought their existence and functioning under scrutiny.

The Council on Child Rights is ambiguously defined, its purpose is vague, and its operational functioning insufficient.

## 6. Budget analysis and funds allocation

There are no specially allocated budgetary funds for children in Serbia. The funds from the State budget are provided through sector allocations to various ministerial departments. Thus, it is very difficult to make any accurate conclusions about budget spending aimed at children and youth. Planning and decisions about funds allocations are centralized, and the portion given to local municipalities insignificant. Compared to other countries in the region, Serbia holds the last place when ranked on the criteria of budget allocations to education.

## 7. Selected data/indicators

This year, just like the last, one of the greatest problems in evaluating the status of children in Serbia presents the lack of accurate, comprehensive, reliable, and valid data, according to geographic regions.

Common indicators are not defined and the methodology for data collection and updating not well developed. Statistical data of public interest is collected by the Statistics Office of the Republic of Serbia. Original data is gathered by various

Ministries, often following different and uncoordinated methodology, resulting in information being incomparable, sometimes in complete disagreement.

National Plan of Action recommends that a uniform, nationwide database about children in Serbia should be developed. In 2004, UNICEF supported development of DEVInfo data base on children - clearly defined, comprehensive data base/ list of indicators - making an important step toward the more efficient monitoring of children status in Serbia.

## 8. The role and status of non-government organizations

The status of domestic and international non-government organizations continues to be undefined. The legislation on non-government organizations was not enacted in 2004, therefore, many NGOs still rely exclusively on financing from the international foundations, foreign governments and international organizations. It is unclear whether such Law will be adopted or even discussed during the next year.

The strengthening of the government sector, as well as involvement of the civil society in providing some services alongside the government sector stagnated during 2004, especially when domestic NGOs are concerned. Cooperation between the NGOs and the government sector remained partial and ad hoc - it was more about the disconnected and isolated examples of good practice, than a true partnership and cooperation.

## 9. Dissemination, training and awareness raising

Dissemination of information and increasing awareness about the rights of children remained disjointed. Isolated campaigns addressing the sectoral children's issues were primarily the result of NGO activities. The most common were short-term campaigns without a transparent feedback on how much they contributed to the betterment of a problem they addressed. These campaigns were mainly aimed at prevention of human/child trafficking and children health issues. The Ministry of Labour, Employment and Social Policy deserves praise for investing in a public campaign aimed at improvement of foster care (recruiting new foster families).

Local civil sector (NGOs) and international organizations remained dominant in training and education of various professional groups (judges, police, educators, etc).

## 10. The role of the media

Printed and electronic reports related to children's issues increased during 2004 - not as a result of some specific, purposeful measure by the State, but rather due to more intensive activities of various NGOs and international organizations.

Though some slight improvements could be noted in the manner of media reporting, the articles about children as victims frequently disregard child's right to privacy; many allow a very easy identification of the child, and few directly name the child. Sensational approach still dominates, investigative journalism or articles about the system appear only when an incident occurs, and the analysis and serious discussions of child rights are rare.

## **11. International cooperation**

During 2004, government cooperation with many international organizations stagnated. UNICEF, Save the Children, UNESCO, World Bank, OSCE and few other international organizations continued to be active in many areas (cooperating either directly with the State, or with local NGOs). This cooperation could be more successful and effective if there was a clear policy in this area.

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## **ACHIEVEMENT OF INDIVIDUAL RIGHTS**

In this section of the Report, we will list the changes that occurred during 2004 in relation to certain rights of the child in Serbia. The changes are presented according to groups of rights.

### **1. Definition of a Child**

During 2004, there were no notable changes that could affect the practice in this area.

The proposal for the new Family Law does not contain definition of a child.

### **2. General Principles**

In 2004, there was no significant progress with regard to the General Principles that are the foundation of the Convention on the Rights of the Child: the right to survival and development, the right to non-discrimination, best interest of the child, and the right to express own opinion (the right to participation).

There were two positive changes in relation to child's right to be heard and listened to: the new Family Law offers solutions based on the respect for child's participation in decision making, and the Ministry of Labour, Employment and Social Policy's project „Integral Reform of the Social Protection System“ offers a number of concrete procedural solutions fully based on clients' right to participation in decision making.

### **3. Civil and political rights**

In 2004 there were no significant changes in attainment of the citizenship and political rights of children. The Law on Citizenship of the Republic of Serbia was adopted the previous year, containing an article that mandates the obtaining a child's consent about any decision/action taken concerning that child's interests whenever the child is 14 or older.

The passing of the Law on Free Access to Information of Public Importance in 2004 was significant in relation to the right of the child to have access to certain information, even though it does not specifically identify the child as a person who can directly and explicitly request the information.

It is expected that the new Law on Juvenile Justice will be passed in 2005. It defines the specific rights of juveniles in conflict with the law. The Amendments and Additions to the Law on Criminal Procedures Codex were adopted in May 2004 - one specifying the possibility to erase the prison conviction from the personal record of the juvenile after a certain time, if there were no repeated offences.

In relation to the right of the child to be protected against abuse, inhuman or degrading treatment, it is important to note that the Ministry of Justice created the new Criminal Law that defines „torture and all other brutal, inhuman and degrading treatment“ as criminal acts. This Law is expected to be passed in 2005.

#### **4. Family environment and alternative child care**

The new Family Law was passed in 2004 - it delineates many procedural solutions that respect and recognize the various needs of the child, provide for more adequate addressing of those needs, and assure the child's active participation in accordance with his/her developmental levels and abilities. The State should develop the mechanisms for its enforcement, implementation monitoring and evaluation.

The Ministry of Labour, Employment and Social Policy project „Integrated Reform of the Social Protection System“ produced documents outlining specific, concrete steps in reforming the social protection system, specifically: creation of new standards of work in centres for social work, transformation of residential institutions, integrated social protection on the local level, development of foster care systems and improvement of the system of adoption, and the protection of children against abuse and neglect.

The team for improving the foster care network conducted campaigns on the local level and training for prospective foster parents and local placement teams. As a result, in 2004, children were more frequently placed in foster care than in residential institutions (ratio is now 60%:40% in favor of foster care).

The team for protection against abuse and neglect created the General and Special Protocol (for children in placement), as a guide for professionals from various fields. Protocols are expected to be adopted by the Government in 2005.

The Ministry of Labour, Employment and Social Policy initiated the change of the Law on Financial Support for Families, in order to remedy some inefficiencies and weaknesses noticed during its implementation.

However, it should be noted that the effects of financial support to families remain limited, result of which are children in institutions. Accessibility and range of certain services remains limited, especially counseling and other prevention-type measures and alternative types of care and support. Foster families are unevenly spread over the territory of Serbia, concentrated in rural areas, their age-structure unfavorable, and follow-up programs for these families inadequate and lifeless. Institutions for placement of children are not evenly distributed (80% of children with disabilities and 50% of children without parental care are displaced from their birth location or their parents/relatives' permanent residence). In spite of donors' significant financial assistance, physical conditions in institutions remain poor, and programs for institutional residents are not directed toward empowerment and acquisition of life skills.

#### **5. Basic health and social protection**

The Ministry of Health created several new laws during 2004, including the Law on Health Protection, the Law on Transplantation, The Law on Health Protection of Individuals with Mental Health Disorders, and the Law on Transfusion, all of which should contribute to improving the health of children.

Currently, several Protocols and Guides for good clinical practice pertaining to diseases and conditions that are the leading causes of death and illness in children are being developed. One National Prenatal Policy was developed.

The network of health-care agencies is satisfactory, somewhat less in rural areas, while its overall inpatient capacity appears well-developed and accessible. The number of health care workers per child is relatively high. The rate of mortality among newborns and children decreased (though it is still high compared to other countries in the region). The number of vaccinated children is satisfactory. Availability of expert care during birth is 98.8% - maternal mortality remains one of the lowest in Southeast Europe.

However, it is necessary to emphasize that remedial services still dominate; prevention is neglected; the counseling, information and education services are sporadic and disorganized. Services for early detection, stimulation and follow-up of children with disabilities/at risk are underdeveloped. Children with disabilities are frequently institutionalized. Patients' right to privacy is not commonly respected in everyday health care work in practice. Malnutrition and obesity in children are on the rise. Low birth weight rate among live-born children increased. Protection against the environmental pollution is insufficient.

Poverty among children remains high. It is presented as a lack of material means, but also as social and geographic exclusion. The objective of reducing the poverty among children is identified in the Poverty Reduction Strategy Paper. This strategic goal should be achieved through: provision of assistance to children and families below the poverty threshold, prevention of impact of poverty in regions with multigenerational poverty, and improvement of accessibility, quality and efficiency of service provision among the government agencies for children.

In relation to social welfare and protection, we should note that the Amendments and Additions to the Law on Social Security and Material Provisions to Families were passed in 2004. Instead of determining the amount of social security in relation to the average municipality income, now it is determined according to the average income on the republic level.

#### **6. Education, leisure time and cultural activities**

In 2004, the new Ministry of Education and Sports halted practically all educational reforms. It stopped financing various developing programs and canceled most seminars planned for training of teachers and educational professionals. The Center

for Professional Development of Teachers was reinstated back into The Institute for Improvement of Education and was virtually out of operation for several months.

The Amendments and Additions to the Law on the Bases of Educational System of the Republic of Serbia were passed. As a result, the School Curriculum that defined measurable academic outcomes was reinstated back to the School Plan and Program with no specific objectives defined. By doing so, measuring and monitoring the quality of educational and social outcomes for students was made impossible. Mandatory education was shortened from 9 to 8 years.

The Ministry of Human and Minority Rights in cooperation with OSCE created a Unified Action Plan for Improvement of Roma Children Education (UAP) in 2004. They also formed the Coordination Committee for Monitoring the Implementation of the Unified Action Plan (UAP). This Committee is comprised of the representatives from the Ministry of Education and Sports, Ministry of Human and Minority Rights, National Roma Council, Secretariat for Roma, several NGOs, Institute for Psychology, and several international organizations whose work is related to Roma - SDC, UNICEF, Fund for Open Society and World Bank.

The Ministry of Education and Sports approved the UAP.

Some preconditions to achieving child rights to education are in place. Generally, primary education in Serbia is accessible and free, the network of schools is relatively well developed, and educational staff predominantly represented by college graduates.

However, free education has many hidden expenses: textbooks, supplies, recreational activities, additional didactic materials, expenses for private tutoring because the official curriculum is inadequate and educational methods inept and inefficient.

Access to education is relative - in rural areas the schools are increasingly closing, without accompanying socio-economic measures to assure the accessibility to education, while active measures are practically symbolic (2.99% - student loans, 0.08% - stipends, 2.92% - placement in boarding schools).

High school network is out of step with the requirements of the market and the needs of local communities.

There are no mechanisms to assure continuous professional development of educators. Moreover, what was commenced in this area before the 2004 has been completely halted

Drop-out rate before the completion of elementary education is 15%.

Up to 85% of children living with foster families are excluded from the state educational system.

There are no systematic educational measures for chronically ill children on a lengthy hospital stay. Some measures are in place for the primary education level, but not the secondary.

Children from minority groups are not attending school in sufficient numbers. This pertains especially to Roma children.

1) National Plan of Action for Children, Republic of Serbia, Belgrade, 2004.

Many children with learning difficulties and other disabilities are excluded from educational system.

Minority language education is declaratively guaranteed, but there are no adequate textbooks.

Children in institutions for juvenile delinquents are formally assured the continuation of education, but the graduation rate is alarmingly low, especially on the secondary level.

Teaching methodology incites reproductive knowledge, providing students mostly with theoretical and not practical skills.

The content of the school curriculum is too voluminous, often incompatible with developmental needs and abilities of children and the areas of study disconnected and unsynchronized.

Entire educational system is centralized, closed and detached from the local community, private and NGO sector.

Active student participation in making decisions related to school activities declaratively exists and is allowed, but is not encouraged in practice; students are ill-informed and unskilled to participate in decision-making.

## **7. Child in special circumstances**

In 2004, there were no significant changes that would improve the protection and gratification of the rights of children in special circumstances.

### **The right to protection against labour exploitation**

In 2004, the State recognized the existence of labour exploitation and initiated the very first and crucial step in tackling this problem, which was to survey and assess the situation. The Ministry of Labor, Employment and Social Policy allocated funds to conduct the research during 2005, to find out how well aware the society is of the problem, what are predominant forms of labor exploitation, and how widespread this occurrence is.

### **The right to protection against sexual exploitation**

The Republic of Serbia has not developed its National Plan of Action related to protection of children from sexual exploitation, but did adopt some legal solutions. The Criminal Law identified a new criminal category - exploitation of minors for pornography - in addition to already existing: exploitation of minors for prostitution and distribution of pornographic materials defined by the Basic Penal Code.

### **The right to protection against unlawful use of narcotics and psychotropic substances**

In 2004, there were no significant activities in this domain. The numbers of underage abusers of narcotics, especially alcohol, increased in 2004.

Even though the Law on Tobacco Sale to Minors was passed in 2004, it is lacking enforcement mechanisms -not one tobacco distributor was held accountable yet, even though tobacco remains commonly sold to minors.

### **The right to protection against kidnapping and trafficking**

With the support of OSCE mission in Serbia and Montenegro, and in collaboration with the Ministry of Labor, Employment and Social Policy, a Service for Coordination of Protection and Assistance to the Victims of Trafficking was formed as part of the Institute for Socialization of Children and Youth in Belgrade. The main objective of this team comprised of professionals, members of the Ministry, OSCE, local NGO „Astra“ and the Counselling against Family Violence is identification and provision of all types of support and assistance to victims of trafficking, as well as protection from secondary victimization of these individuals.

In October 2004, the Government of the Republic of Serbia created the Council for Combating Human Trafficking to coordinate the national and regional activities against human trafficking, analyze the reports from relevant international institutions, recommend actions and propose measures to comply with recommendations from international bodies. The Council members are: the Minister of Interior, the Minister of Education and Sports, the Minister of Finances, the Minister of Labor, Employment and Social Policy, the Minister of Health and the Minister of Justice.

### **The right of the child in the juvenile justice system**

According to the Statistics Institute of the Republic of Serbia, juvenile delinquency rate stagnated in 2004, as evidenced by the number of motions filed for criminal prosecution of juveniles. For various reasons, however, these statistics must be taken with reservation.

Data indicates that the crimes against life and bodily harm increased.

Juveniles are most frequently sentenced to probationary/socialization measures, while incarceration remains rare. However, there are no set follow-up methods for youth sentenced to increased supervision or other probationary measures, resulting in their ineffectiveness.

The Ministry of Justice realized the need for legislative reform in the system of juvenile justice. A proposal for a new Law on Juvenile Justice was made in 2004. This proposal comprehensively defines the responsibility and status of minors who commit a criminal act, legal proceedings, and the sanctions that can be applied. It also contains articles pertaining to the protection of children who are victims of crimes, or witnesses in criminal proceedings. Juveniles are separated from the adult Criminal Justice system and all matters related to minors in conflict with law are addressed by one comprehensive law. The passing of this law is expected at the beginning of 2005.

### **The child from a minority group**

Several incidents that increased the tensions in multiethnic environments and attracted international community's attention occurred in 2004. Consequently, Serbia had to submit the Report to the European Parliament in Strasbourg.

Roma children remain most at-risk for violation of all the rights defined by the Convention. In 2004, the Ministry for Human and Minority Rights and OSCE created a Unified Action Plan for Improvements of Roma Children Education that was approved by the Ministry of Education and Sports.