

newsletter

1st year of

CRIS

project

in Serbia

First Project year *CHILD'S RIGHTS IN SERBIA*

As of the 2 February 2020, the International Rescue Committee (IRC) has joined forces with the organizations Child Rights Centre and ASTRA, to work on improvement of outcomes for children in contact with the law (CiCL).

Our joint work on the Project *Child's Rights in Serbia - Improving Outcomes for Children in the Serbian Justice system (CRIS)* aims to enable systematic application of child rights in the judicial system (children - victims or witnesses of trafficking in human beings, unaccompanied children, as well as children who are not recognized as victims or witnesses but as perpetrators).



Click on the highlighted text and find out more...

Through the direct involvement of children and networking of the most important actors in the field of juvenile justice, training of professionals, and public campaigns, we work on identifying key areas for improvement of child-friendly justice (CFJ) principles and juvenile justice system in Serbia.

Our one-year journey, despite the Covid-19 pandemic, has yielded numerous results that will be tackled in this Newsletter:

- **Involving and consulting key representatives of the juvenile justice system and civil society organizations.**
- **Conducting a Formative analysis on the existing normative and strategic framework in Serbia and its application in practice in the field of CFJ.**
- **Participation of more than 1600 children and their contribution to project progress so far;**
- **Empowerment of law students for the work in juvenile justice system, with the specific focus on respecting the CFJ principles.**

Project Child's Rights in Serbia - Improving Outcomes for Children in the Serbian Justice system (CRIS) is implemented with the support of European Commission through Rights, Equality and Citizenship Programme (2014-2020). ●

CRIS

Child's Rights in Serbia



This project is funded by European Union's Rights, Equality and Citizenship Programme (2014-2020)

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FIRST YEAR OF CRIS PROJECT

In numbers

Held

6

events with total duration of over 50 hours.

Over

1500

children participated in the research of The Child Rights Center.

More than

300

boys and girls participated in workshops and consultative processes.

More than

300

persons participated in Project's public events.

Held

14

DX Club meetings, in which 32 children and youngsters took part.

Over

90%

of training participants for students and young lawyers were fully satisfied with the training.

Held

3

meetings of Project Advisory Board.

More than

30

representatives of partner organizations worked on the Project in the first year.

Formative analysis

NORMATIVE AND STRATEGIC FRAMEWORK OF CHILD-FRIENDLY JUSTICE AND ITS APPLICATION IN PRACTICE

Although the Republic of Serbia has made significant progress in reforming the legislation in the field of Child rights and improved anti-trafficking mechanisms within the recent years, children in contact with the law continue to face numerous challenges. A baseline analysis and a survey conducted by both the IRC and the partners contributed to recognition of challenges and paved the way for further improvements.

The Republic of Serbia has made significant progress in reforming child rights legislation in recent years, as well as improving anti-trafficking mechanisms, including institutional reform through the establishment of the Centre for the Protection of Victims of Trafficking. However, the system still faces challenges:

–The massive arrival of asylum seekers and migrants from 2014 brought new practical challenges to the institutions in the Republic of Serbia in terms of protection and support to unaccompanied and separated children.

–With the opening of negotiations for Serbia's accession to the European Union (EU) in 2013, the requirements for harmonization of the national legislation with the relevant EU standards have been raised.

–The synergy of processes through the systemic screening of legislation, institutional capacity, and practice, demonstrated the need for better synchronization of reform processes and more comprehensive understanding and improvement of the position of children, either as offenders, victims, or witnesses of criminal acts. This is particularly relevant for especially vulnerable children who come into contact with institutions of the RS, such as refugees, migrants, asylum seekers or unaccompanied children (UAC). They are directly exposed to victimization, but also involved in various harmful activities such as psychoactive substance use, begging, forced labour that is equal to exploitation, as well as criminal activities.

Recognizing the challenges for

children when in contact with the legal system, our goal is to improve the system through cooperation with the relevant professionals and stakeholders, systematically applying child rights principles, and providing support in proceedings.

One of the first steps on our path was a Formative analysis aimed at gathering information and preparing a situation report.

The work on the Formative Analysis introduced us in detail to the advantages and disadvantages of the existing actions of practitioners (judges, prosecutors, lawyers, case managers / social workers, guardians, and other professionals) who are in contact with children, thus shaping their experience in contact with the law, though explained to what extent such conduct is conditioned by the shortcomings of the normative

framework.

Through the work on the analysis of the legislative and normative framework, we realized that, although significant steps have been taken to harmonize substantive criminal legislation with relevant international standards in the field of child protection, it is still necessary to harmonize the notion of a child and a victim among the Criminal Code and the Criminal Procedure Code, in the way these terms are defined in key sources of international standards.

In addition, there is still the problem of internal incoherence of the Criminal Code, as well as the Law on Human Organ Transplantation and the Law on Human Cells and Tissues in terms of prescribed penalties in the case of a child victim but in terms of the child's consent to various forms of exploitation.

When it comes to criminal procedure legislation, the position of victims and witnesses of criminal offences, both in accordance with the Criminal Procedure Code and the Law on Juveniles, still does not meet the standards in terms of systemic protection, assistance, and support during the entire criminal proceedings, or following its termination, in the context of the restorative justice concept. A special problem is the lack of implementation of existing legal solutions in terms of compensation claims, including the lack of a national network of victim support and service provision, and a limited use of video links. This problem also affects the inadequate protection of juvenile offenders who are in fact hidden victims

of the exploitation of criminal activities. This problem also affects the inadequate protection of juvenile offenders who are in fact hidden victims of the exploitation of criminal activities.

Even though positive legislation in the field of asylum and migration has recently been harmonized with the relevant standards, it is necessary to work

Formative analysis unequivocally indicates the necessity of a cross-sectoral approach to juvenile justice. Of particular importance is the work on better monitoring, implementation, changes and amendments to existing legal frameworks, but also the adoption of new legislative solutions, their harmonization with international standards, and constant strengthening of capacities of representatives of the juvenile justice system.

intensively on providing adequate financial and material resources for its consistent implementation.

Regarding key public policy documents governing the position of child offenders, victims and witnesses of criminal offences, it is important to note that, despite some progress in terms of their mutual coherence, there remain discrepancies indicating a lack of cooperation between line

ministries/authorized proposers. In addition, it has been noticed that all analysed strategic documents are focused almost entirely on the requirements of the negotiation process, while other issues identified through scientific research and practice are almost completely marginalized. Although it is not disputed that changes in criminal legislation should be guided by the requirements of the negotiation process, numerous contradictions indicate that it is time for a more systematic approach to changes, contrary to the existing ad hoc principle which, in addition to internal incoherence of criminal legislation, also resulted in complete marginalization of urgent needs such as the amendments to the Law on Juveniles. Concurrently, unnecessary, and often populist-oriented changes to the key laws are being adopted. There is also a certain amount of passivation and marginalization of the role of the Council for the Rights of the Child and the Council for Juveniles, which could be partly attributed to the lack of legal authority.

All findings and recommendations of our research can be found in the publication **FORMATIVE ANALYSIS – Report on the existing legislative and normative framework in the field of child justice in Serbia and their application in practice.** ●

* This text is a custom excerpt from the research of doc. Dr. Milica Kolaković-Bojović, author of the analysis of the existing legislative and strategic framework of child justice.



THE POSITION AND RIGHTS OF ESPECIALLY VULNERABLE CHILDREN IN CRIMINAL PROCEEDINGS

As part of the activities aimed at improving the position of victims of human trafficking and related crimes ASTRA has been continuously monitoring judicial practice for the crimes of trafficking in human beings, mediation in prostitution and trafficking in minors for adoption, since 2011.

The analysis of judicial practice monitors on how the rights of victims in criminal proceedings are respected, with the special focus on juveniles, and, at the same time, evaluates the results of previous legislative and institutional reforms. This objective is in line with the overall objective of CRIS project, which is to improve the position of children who encounter the judicial system of Serbia. As already mentioned, one of the first steps in the implementation of the Project was the development of Formative Analysis – a research aimed at providing information necessary for the implementation of further phases of the Project.

Through the analysis of the

application of the concept of child-friendly justice in practice, ASTRA's consultant and associates, focused on two parts: 1) analysis of a 2019 judicial practice in criminal proceedings involving children, related to criminal offences of mediation in prostitution human trafficking and trafficking in minors for adoption, and 2) analysis of a 2019 judicial practice in criminal proceedings involving child victims of these criminal acts with the elements of sexual exploitation and sexual violence.

Results of the 2019 judicial practice show a clear need for further improvement of position of children in contact with the law.

Special attention was devoted to children in vulnerable situations: children with inadequate parental care, children residing in the social protection system and children deprived of parental care.

The most important analysis's results refer to the following issues:

- 59% of all victims of human trafficking are children, while 70% of

them were subjected to sexual exploitation.

- Unfavorable family and social situation for all child victims of human trafficking.

- In all analysed court rulings for the criminal offence of human trafficking and related offences, only two out of a total of 14 child victims were granted the status of particularly sensitive witness, while their interrogation took place with the application of special measures in 43% of the cases.

- Out of all child victims of crimes which contain elements of sexual exploitation and/or sexual violence, 68% of the victims were female, while 61% were under the age of 14.

All findings and recommendations of our research can be found in the publication **FORMATIVE ANALYSIS – Report on the existing legislative and normative framework in the field of child justice in Serbia and their application in practice.**



Formative analysis

CHILD-FRIENDLY JUSTICE ACCORDING TO CHILDREN AND YOUNGSTERS

From March to September 2020, 1,505 children and youngsters participated in the research of Center for Child Rights, with the aim of determining their opinion on the justice system and the level of its responsiveness to children and youth. The research included children and youngsters from the general population, as well as children - beneficiaries of the Institute for the Education of Children and Youth in Belgrade, Nis and Knjaževac and the Educational-Correctional facility in Kruševac.

The main aim of the research *Child-friendly justice - the Perspectives of Children and Youth*, done by Milena Banić, PhD, was to determine the opinion of children and youth on the judicial system and the level of its adaptation to children and youth in accordance with the adopted child-friendly justice standards defined by national and international documents, in particular the UN Convention on the Rights of the Child, the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice and the provisions of the Law on Juvenile Offenders and Criminal Protection of Juveniles in the Republic of Serbia.

The research particularly covered the standards of child-friendly justice relating to informing of children about the rights and proceedings, hearing of a child, the urgency of the proceedings, safety and security, respect and dignity, the child-friendly environment and the exercise of the rights of children deprived of liberty. The exercise of the following rights

was considered as part of the exercise of the rights of children placed in juvenile justice institutions: informing on rights, keeping regular contact with the family, the right to education, the right to play, sports and cultural activities, the right to health care, the right to protection from violence, freedom of religion and the right to a legal remedy.

It is necessary to continuously inform children on their rights in justice system, through development of various contents on child-friendly language.

The key results indicate that:

- Children and young people from general population think that **they are not informed on their rights if they are in contact with the justice system**. 44% of respondents believe that children and young people are not informed on rights they have if encountering the judicial system at all, or

that they are partially informed (28%). Only 3% of respondents believe that children and young people are fully informed about their rights in case they are in contact with the judicial system.

- **Professionals address children** who were in contact with law, **using non-child-friendly language**. Thus, almost half of the respondents were not satisfied or are minimally satisfied with the informative process.

- Often **during the hearing multiple persons are present**, and one third of the respondents believe that there was no person of trust present. In addition, two thirds of children thinks that the hearing rooms are not child friendly.

- Children and young people in majority received information on their rights in the justice system through parents/guardians, at school, through the media. ●

Project Advisory Board (PAB) setting-up

HELPING CONSORTIUM TO MAKE TIMELY AND QUALITY DECISIONS

Photos: The IRC

The system of juvenile justice and directing the decision-making processes on the improvement and adoption of child-friendly justice standards, requires engagement of professionals with a wide range of knowledge, skills, and experience. Being aware that project partners cannot influence major changes in this area, the Consortium formed a Project Advisory Board (PAB).

The PAB, as its name suggests, has an advisory and leadership role on the project. Board members, with their extensive knowledge and practical experience, provide guidance and contribute to the creation of solutions to improve outcomes for CiCL, thus significantly contributing to the quality of project results. The influence and active engagement of the PAB members emphasize the importance of a holistic approach in resolving cases that involve children.

Public Prosecutor's Office of the RS, representative of the Ministry of Interior – Department for Prevention and Suppression of Juvenile Delinquency, representative of UNICEF, CPD's lawyer, and directors of NGOs ASTRA, Atina Belgrade Centre for Human Rights, and the Centre for Youth Integration.

So far, three PAB meetings were held (in June and September 2020, and January 2021). PAB members provided relevant and quality inputs for further work, especially in the segment of developing and promoting Formative Analysis and improving individual project activities. ●



Members of the PAB are: representative of children and youth (Club DX, CPD), director of the Judicial Academy, professor at the Faculty of Law, judge of the Supreme Court of Cassation, judge of Kragujevac High Court, deputy Public Prosecutor in the



Empowerment and networking

RIGHTS OF ESPECIALLY VULNERABLE CHILDREN IN THE JUDICIAL SYSTEM

Photos: The IRC

On Friday, September the 25th, 2020, at the Hotel Metropol Palace, IRC held a conference “The Rights of Particularly Vulnerable Groups of Children in the Serbian Judicial System”, bringing together 75 representatives of the relevant institutions and organizations dealing with the CiCL.

The conference was supposed to mark the beginning of the project and announce the project goals, activities, and expected results to those interested, but due to Covid-19 emergency measures, it was held a few months later. It was an opportunity to present some project results, to better connect those who already cooperate in the field of improving juvenile justice, but also to include new partners.

The conference was attended by 75 participants from Belgrade, Nis, Pirot, Knjazevac, Krusevac and Novi Sad, and due to the ban on gatherings caused by the Covid-19 pandemic, some participants followed the conference via the ZOOM application.



The conference was opened by the Head of IRC Balkan Office, and the opening addresses were made by the Minister of Labour, Employment, Veteran and Social Affairs, Ombudsman of the Republic of Serbia, Head of II Operations of the EU Delegation in Serbia, children and youth representative of the DX club formed within the Centre for Child Rights, and UNICEF’s representative.

After the introductory speeches, IRC CRIS Project Manager, briefly presented the planned activities, saying that she was pleasantly surprised by the so far expressed stakeholders’ interest for participating in project activities.

During the Panel discussion, a Professor from the Faculty of Law and a member of the CPD’s Executive Board, gave a comprehensive overview of the development of child-friendly justice concept.

The authors of the Formative Analysis presented the findings related to the normative and strategic framework in the field of juvenile justice, the results of the analysis of court rulings related to trafficking and other crimes involving children in 2019, as well as the results of children’s awareness of their rights when in contact with the justice system.

The Deputy Ombudsman for Child Rights and Gender Equality presented the work of the Office during the previous year and reminded the audience of the role of Ombudsman in the field of protection of CiCL.

After the speakers’ presentations, a discussion followed, the results of which, formulated in the form of recommendations, will be used in further project implementation. ●



Participation

ACTIVE PARTICIPATION OF CHILDREN AND YOUTH, AS A PRECONDITION FOR SUCCESSFUL IMPLEMENTATION OF THE CRIS PROJECT

Photos: The IRC

Participation, as one of the basic principles of the UN Convention on the Rights of the Child, is the essential component of the CRIS Project.

Members of DX Club, **since May, the 4th 2020, are continuously educated on the rights** they have in contact with the justice system, are empowered to be actively involved in advocacy processes on child rights, and to participate in other project activities. During the first project year, more than 30 children and youth participated in 14 workshops, where in addition to receiving information and learning about their rights, they shared information and opinions on relevant topics.

The children had the opportunity to show their creativity, expressiveness, and interesting insights through participation in the process of developing a short film about justice tailored to children's needs - from **preparatory workshops** during which the idea of a promotional film was born, through participation in further development and reshaping of the idea, until the **shooting itself**.

Besides, three members of the DX Club attended the **project Kick-off conference**, of which one member, on behalf of children and youth, addressed the participants, pointing out the importance of respecting their rights, and placing special emphasis on their right to participate. She has considered her engagement in the work of the **Project Advisory Board** as a chance for children and young people to be informed about the project and for their voice to be heard when making decisions about project activities.

Children and young people from the DX Club participated in the online **conference Children ask**, which was organized



by the Centre for Child Rights on November the 20th, 2020, on the World Children's Day. During the conference, children and young people actively participated in discussions on their rights in contact with the law and protection from violence.



In addition to DX Club meetings, 285 children participated in five workshops in high schools in Serbia to develop a brochure and a poster for children. In addition, one user group session was organized with 30 students consulted on the Formative analysis in relation to standards of informing children about their rights and implementation of basic principles (non-discrimination, devotion to the best interests of the child, the right to life, survival and development, and respect for the views of the child). ●

To empower children's participation, more than 340 children and young people participated in the workshops organized by Child Rights Centre.

Children's key messages:

- ☹☹ *Child-friendly justice should be the system that understands the needs of children, who actively participate in its creation.*
- ☹☹ *Children are not adequately informed about their rights, so education should be crucial.*
- ☹☹ *Children victims of crime are afraid to report the crime, and even when they do, they are afraid of the procedure because they are not properly informed about it.*
- ☹☹ *Children are not taken seriously, and so almost no one takes their opinion into account when deciding.*

Increasing knowledge **INTRODUCING LAW STUDENTS WITH THE CHILD FRIENDLY JUSTICE**

Photos: ASTRA

Enhancing the knowledge of future professionals in the judicial system, on child-friendly justice is one of the preconditions for better protection of children in contact with the law.

The rights of the child in criminal proceedings, although studied in certain subjects, are among the topics that are not given enough attention at law schools, and future lawyers usually get the opportunity to acquire this knowledge later, during practice. Thus, the acquisition of knowledge about the position of child victims and witnesses in criminal proceedings, for the largest number of law students, is sporadic and left to personal motivation.

In order to support law students and young law professionals who might choose working with CiCL as their field of professional interest, to properly apply basic CFJ principles, in October 2020, ASTRA conducted one of two two-day trainings planned by the project. The training gathered 24 law students and newly graduated lawyers. During the training, participants were introduced to ASTRA's court practice monitoring framework in order to carry out monitoring of trials for the criminal offence of human trafficking, as well as other related offences, in proceedings involving children. Moreover, they had the opportunity to learn more and hear about practical experiences from the eminent experts in

the field of human rights and children's rights (lawyers, social workers and psychologists), who were lecturers.

Alongside with acquainting participants with the international and national legal framework in anti-trafficking, students gained knowledge about health and psychological consequences of these and related criminal acts for victims. Special attention was paid to the importance of understanding the traumatic experience of child victims by the professionals they meet, as well as the importance of avoiding secondary victimization.

79% of training participants found the acquired knowledge on child-friendly justice extremely relevant for their future work.

In addition to acquiring theoretical knowledge, students were introduced to practical cases from lawyers' experience. Finally, one of the lecturers presented the results of ASTRA's monitoring of 2019 court judgments for human trafficking and other related offences involving children. The lecturer focused on aspects relevant for protection of victims' rights, such as the right to privacy, the right to information, assistance, and legal representation, and the right to compensation. The final part of the training was dedicated to informing the students about the monitoring of trials using a questionnaire developed by ASTRA.

A total of 50 law students and young lawyers will be trained to monitor trials, and the data from the questionnaires will be analysed and compared with the data from the Formative Analysis, determining whether there is a progress in respecting the rights of CiCL in the Republic of Serbia. ●





Since its founding in 1933, **the International Rescue Committee** (IRC) responds to the world's worst humanitarian crises and helps people survive and rebuild their lives. IRC staff in over 40 countries, provide shelter, health care, education, empowering refugees, and internally displaced persons, as well as other vulnerable populations. The IRC has been operating in the Republic of Serbia since October 2015 and, through cooperation with local NGOs and relevant institutions, seeks to provide the most comprehensive protection programs, devising new strategies in response to the needs of refugees and victims of trafficking, especially children.



Centar za
prava deteta

The Child Rights Centre is an association of citizens established in 1997 with the main aim of implementing child rights in Serbia in accordance with the Convention on the Rights of the Child. The main course of action of the Centre is aimed at creating a favourable social and legislative framework for the full achievement of child rights in Serbia through activities focused on the introduction and implementation of laws, policies and practices that enable the improvement of the welfare of the child, the protection of their rights and their full



ASTRA - Anti-trafficking action is dedicated to eradicate all forms of exploitation and trafficking of human beings, especially women and children, as well as to provide support in missing children cases. It was founded in 2000 and since its establishment it has been comprehensively addressing the problem of human trafficking and working to eradicate various forms of this phenomenon, i.e. simultaneously acting in the field of prevention, education, provision of direct assistance to victims, reintegration, research and reporting, public advocacy, at the strategic and operational level, and support to development of a functional and effective anti-trafficking system, with full respect of the human rights of victims.



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