



SERBIA 2024 PROGRESS REPORT

WRITTEN SUBMISSION FROM THE COALITION FOR MONITORING CHILD RIGHTS IN SERBIA

Belgrade, April 2024

[The Coalition for Monitoring Child Rights in the Republic of Serbia](#) (the Coalition) advocates for the promotion and protection of all rights of the child enshrined by the UN Convention on the Rights of the Child. The Coalition consists of five civil society organisations specialised in monitoring and reporting in different areas of human rights: [Child Rights Centre](#), Uzice Child Rights Centre, Belgrade Centre for Human Rights, ASTRA - Anti Trafficking Action, and Centre for Social Policy.



Introduction

No substantial improvements were made in the field of child rights in 2023. On the contrary, the tragic events in early May, the killing of nine children and one adult in the Belgrade primary school Vladislav Ribnikar and of seven youths and one child in Malo Orašje and Dubona the following day lay bare the numerous shortcomings of the system in which the children are not the focus of political attention. The two tragic events marked the entire year and opened informal social and expert debates on violence against children in the Republic of Serbia. Given that the children in Ribnikar were killed by a child and that the scene of the crime was a school, a section of this report will focus on violence against children in school.

Even though non-governmental organisations (NGOs) should be able to work in an enabling environment, currently they do not function to their full potential and face perpetual concerns of financial instability, lack of opportunities and capacities for sustainable development. The government does not allocate specific funds for improvement of children's rights nor applies transparent procedures and evaluation of proposed actions for NGO funding applications in other areas, even though this has been clearly provided by the Convention on the Rights of the Child (CRC) more than three decades ago. Independent NGOs are not invited to participate in programming and planning activities concerning children's rights and their advocacy efforts are not taken into account. In summary, despite certain officials' proclaiming that children are at the focus of the government's work, especially during pre-election campaign, these statements are far from reality and children's rights do not have high place at the agenda.

This wide gap between the proclaimed children's rights related principles and procedures and their effective and adequate implementation in practice is apparent in the Government's attitude towards implementation of both Action Plans for Chapters 23 and 24. The revised plans have been inconsistently applied, and set deadlines for child rights-related goals have not been respected or have been ignored. Also, almost all 2017 recommendations provided by the United Nations (UN) Committee on the Rights of the Child (CRC Committee) have not been implemented even though it has been seven years since their adoption and the next reporting cycle is approaching. In addition, there is no permanent monitoring of the direct implementation of adopted legal frameworks and strategic plans.

Urgent action is required to protect the rights of children victims of violence, children with disabilities, Roma children, children living in institutions, children in contact with the justice system, children living in remote rural areas, and children on the move. There is still no systematic data collection system in place, impeding effective monitoring of child rights, cross-sectoral cooperation and policymaking.

Normative Legal Framework

Core laws relevant to children, such as **the Family Law, the Law on Juvenile Offenders and Criminal Protection of Minors (Juvenile Justice Law) and the Law on Social Protection** are yet to be amended. Normative framework relevant for protection of children's rights is still burdened by inconsistent legislation as there are over 100 legal texts currently being applied, causing significant legal gaps, uneven practice and legal uncertainty. A very much needed and expected **comprehensive Law on the Rights of the Child and Ombudsperson for Children** is yet to be adopted.

The adoption of such a comprehensive law would contribute to the harmonisation of the entire legal system related to children, better coordination of all sectors involved, and it would bring the existing legislative solutions in sectoral laws in line with the solutions contained in this law. This law would also introduce the establishment of the institution of **Ombudsperson for children's rights**. This would enable children to submit complaints on children's rights violations independently and have these complaints considered in a child-sensitive manner. Currently children are not aware of the Ombudsperson's ("Protector of Citizens") limited possibility to consider their complaints and the procedure is not child-friendly and child-accessible. **As a consequence, children in Serbia do not have access to justice when their rights are violated.**

National Children Policy and Coordination of Child Rights Implementation

There is no overall strategy for protection of the rights of the child as the 2005 **National Action Plan for Children** expired in 2015. It is necessary thus to adopt a new National Action Plan for Children that would provide for a comprehensive and coherent policy of the state towards children in all areas and that would be **the basis for effective identification of the budget needed to implement the rights of the child in line with international standards.**

It is worrying that the Government of the Republic of Serbia's **Council for Children's Rights**, the only coordination body at the national level, was formed in early 2023 and did not meet during 2023. Despite being the only body that should focus on implementation of all children's rights, **is not a stable body with continuous, professional mandate, but rather it has only an advisory role and its mandate expires every time the Government is dissolved.** Even when it is established it meets irregularly with no clear agenda and its decisions are rarely implemented in practice. In order to be effective and make an impact in children's lives, **this body should have sufficient authority to coordinate activities related to the implementation of all children's rights and should be provided with necessary human, technical and financial resources for its effective functioning.**

The Juvenile Justice Council, re-established in 2018 by the Ministry of Justice and the Supreme Court, **needs to be strengthened to properly initiate and monitor child justice reforms and provide decision-makers with specific strategic recommendations for future system reforms** in relation to both children as offenders and as victims/witnesses of crime. This role is also provided by [the Action Plan for Chapter 23](#).

Specific Areas of Concern

Violence against Children

Violence against children (VAC) remains a major concern. There is a **lack of efficient cooperation, coordination and data sharing among various sectors, in particular social protection, police, justice, health and education.**

In 2023, children were still victims of domestic abuse and violence in schools, their local communities and other settings in which they live or spend time. The tragic May events were an illustration of the grossest forms of violence in school and the local community. Digital violence attracted a lot of attention, while numerous scandals involving sexual abuse of children horrified the public. Psychological support to adolescents was still almost non-existent. Although violence was registered in all settlements in which children live and spend time, a direct link between it and the education system is discernible; various aspects of the system were brought into question when both the preventive and reactive measures failed to kick in.

The 2020 Strategy for Prevention and Protection of Children from Violence for the period 2020-2023, with the accompanying Action Plan for 2020 and 2021, adopted immediately before the elections took place, was supposed to be an important step in the process of strategic improvement of the protection of children from violence in Serbia, however, it **has not been implemented in practice**. Reports on monitoring of its implementation and related data are missing or are not accessible to the public.

The **Law on Prevention of Domestic Violence**, which entered into force in 2017, has been implemented in practice but a stronger emphasis should be put on protection of children as victims and witnesses of domestic violence in the work of established coordination mechanisms, in particular through development of individual protection plan. Also, the fragmented capacity building of professionals, provided by the Judicial Academy, has not focused on the aspect of the rights of the child and provision of these children with adequate individualised support.

National preventive mechanism does not visit all places where children are deprived of liberty frequently enough and the monitoring reports on these visits do not contain detailed information on conditions of deprivation of liberty and on implemented follow up actions. Children in institutions are not adequately informed about their rights and available protection mechanisms. Inspection mechanisms in the social welfare system do not frequently visit residential institutions for children and reports are not accessible to the public.

Explicit ban on corporal punishment of children is still not foreseen by the law. It is necessary to amend the Family Law in order to foresee the explicit prohibition of corporal punishment in all communities, including the family. The amendment should be in line with General Comment 8 of the CRC Committee relevant to the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

No significant progress has been made in the field of the prevention and elimination of **child marriages**, despite the efforts of the National Coalition to End Child Marriages. Serbia does not have a system in place to monitor child marriages, and no case records are kept based on ethnicity, although research shows that child marriages are present and that Roma girls in particular are widely exposed to this harmful practice. Additional resources need to be allocated and a broad campaign should be designed and continuously carried out at the national level with the aim of raising awareness of the harmfulness of child marriage. In addition, support measures should be devised and continuously implemented for girls and women victims of child marriages and their children.

Violence in Serbian Schools

In his Report¹ on School Violence published in December 2023, the Protector of Citizens said that school violence accounted for most of the complaints about protection of children from violence that his office received in 2022 and the beginning of 2023. The checks he conducted in response to the complaints or at his own initiative showed that many education institutions failed to recognise their role in protecting children from abuse and consequently failed to take adequate protection measures. Especially concerning is the finding that a large share of schools in Serbia still do not have functional Teams for Protection against Discrimination, Violence, Abuse and Neglect, and that the pupils are unaware of the existence of such teams. The Protector of Citizens also found that the Teams in some cases did not assess the forms and degrees of violence the pupils had suffered, that schools did not plan or implement activities addressing the case at hand, and failed to establish adequate and prompt cooperation with the other relevant authorities. The Protector of Citizens also alerted to another concern – that there were still cases of school staff abusing pupils, mostly in lower primary school grades. Although the Protector of Citizens ascertained during his checks that the relevant education authorities responded promptly to reports of violence against pupils and implemented appropriate disciplinary proceedings against the staff, it may be concluded that schools need to increase the number of preventive anti-violence activities with their staff.

The Ombudsman's finding that is the most important for understanding the general situation in schools re violence and for further analyses and recommendations is that 77.7% of the pupils reported that they were aware that some kind of peer violence occurs at school (often, occasionally or rarely). Only 6.5% of the pupils did not witness any kind of peer violence in school, while nearly 16% of the pupils were not sure whether the incidents they had witnessed in school fell into the category of violence.

The existing system of protection of children from violence, abuse and neglect is focused on response and protection rather than on prevention. Anti-violence programmes are rarely implemented in schools and hardly ever target large pupil populations, while continuous, comprehensive and systematic prevention of violence is not implemented, the Protector of Citizens concluded in his report.

Overview of major anti-trafficking trends and responses

The prevention and suppression of trafficking in human beings (THB) in Serbia during 2023 continues to be outside the focus of the competent authorities and the public, especially since there is a lack of political will to deal with certain important issues as follows: the trend of a small number of identified victims continues (especially among the migrant population); the issue of urgent accommodation for victims of THB has not been permanently resolved, but cases are usually resolved ad hoc; in relation to the position of victims in court proceedings, no significant progress and improvement can be seen, but the opposite (as indicated by the analysis of court practice, conducted by ASTRA since 2011); the formal procedure of identifying victims of THB and deciding on the status of the victim and her/his rights should be improved, implicating the need for the institution that deals with the formal identification of victims of THB to find its place and role in the social protection system formally; the inequality of services available to victims, as well as their quality, remains one of the most important issues, especially to children as one of the most vulnerable categories.

¹ The report, entitled "Poseban izveštaj Zaštitnika građana i panela mladih savetnika o nasilju u školama", is available in Serbian on the website of the Protector of Citizens.

All these are just some of the burning questions, unfortunately, the list is not short.

Five years ago now, the most important actors in the fight against human trafficking met to discuss improvements and updates to the **Standard Operating Procedure for the treatment of victims of trafficking in human beings (SOP)**. However, no concrete action has been taken since then. The planned **one-year update** of an important document for the fight against THB and the entire mechanism of protection and support for victims of THB and the role of relevant actors, the **(SOP)** for dealing with victims, was not implemented. In addition, the announcement that this document will be part of internal procedures for all employees of the Ministry of Internal Affairs and move from the recommendation level to the mandatory level **has not been fulfilled**. Representatives of the Ministry of Interior recently shared the information that in 2024 SOP will be updated and improved. The MIA also shared a press [release](#) that a special law will be adopted in the area of combating human trafficking.

The Strategy for the Prevention and Suppression of Human Trafficking, especially of women and children, and the protection of victims in the Republic of Serbia for the period 2017–2022, ceased to be valid without adopting an Action Plan, as well as without an appropriate mechanism for monitoring and reporting. The process of drafting a new planning document was initiated in July 2023 when a public call was announced, while the working group was formed in August 2023. A program format was introduced instead of the previous strategy. The process was conducted without the expert support of strategic planning professionals and representatives of the Republic Secretariat for Public Policies. The majority of institutions and their representatives did not recognize their role and responsibility in the process. At the session of the Government of the Republic of Serbia held on 20th March 2024, the Program for Combating Trafficking in Persons in the Republic of Serbia for the period 2024-2029 was adopted, along with the accompanying Action Plan for the implementation of the program for the period 2024-2026.

In Serbia, there is **no comprehensive review of implemented training programs** for professionals involved in the identification of child victims of human trafficking. A large number of training are conducted through institutional support programs supported by donors and projects financed by donors and implemented by CSOs. All this is not enough from the aspect of improving the rights of child victims of human trafficking because there is no in-depth analysis of the needs and effects of this training.

The SOP through each stage of the procedure states which institutions are responsible and which steps need to be taken in the procedure if it is a child, domestic or foreign citizen, but the special segment referring only to children in principle is missing. Also, there is no comprehensive database with the number and type of standardized and licensed specialized services for child victims of human trafficking. **The services of specialized organizations are available only** in Belgrade (Center for the Protection of Victims of Human Trafficking as an institution, ASTRA and Atina as civil society organizations). Since non-governmental organizations are not financed by the budget of the Republic of Serbia, the question of the sustainability of services remains open and funding of the services is unstable. Some of the recommendations in this segment would be to develop specialized support and protection programs that are sustainable and more evenly distributed throughout Serbia, especially emphasizing the need to be adapted to the needs of child victims of human trafficking.

A **specialized shelter for emergency accommodation** and **specialized support programs** for children victims of THB **do not exist**, and there is an evident need for both. During the crisis caused by the COVID-19 virus, various systems were blocked, including the social protection system, which emphasized, even more, the need and importance of the role of civil society organizations, which in a certain way assumed the role of state institutions and institutions in that period, when it comes to the provision of services. Even after the majority of the anti-COVID measures were taken down, it appears that the state support system is still not operating at full capacity. In this sense, the capacities of all relevant actors and the mutual connection of the governmental and non-governmental sectors should be strengthened. What should be established and continuously improved is a coordinated mechanism for the identification and protection of child victims of human trafficking, that reacts promptly, the primary goal of which is to provide specialized support and appropriate accommodation for child victims of human trafficking.

Drop-in shelters expose more children to risk – not enough shelters, low coverage

Children survivors usually can be housed in urgent shelters for children, rarely in foster families. If they are 16 years old, they can be placed in the CPTV shelter or Atina's accommodation. ASTRA practice shows the following: groups that are particularly at risk of sex trafficking and forced labor are: children in welfare systems or growing up outside of the system, adult women arrested for prostitution, undocumented migrants etc.

On June 30, 2023, there were 45 residents in temporary accommodation at the social care institution, the Shelter for Children in Belgrade. Among them, there were 50 boys and 41 girls. Although the official data of the Shelter do not show that the residents of this institution are victims of human trafficking, these children are at high risk of becoming victims of this crime. The majority of users at the Belgrade Shelter are predominantly children without parental care, consisting of 29 children aged 7-14 years and 17 children aged 15-18 years, making a total of 46. Additionally, there are 45 children with inadequate parental care, totalling 33 aged 7-14 years and 12 aged 15-18 years.

Shelters for children are **available only in Belgrade** (one state shelter, two run by an NGO) and **one in Novi Sad**.

The 2023 [Statistical Report](#) shows that the Centre for the Protection of Victims of Trafficking in Human Beings received 168 applications and the identification procedure was initiated for 137 cases, including 66 formally identified victims of human trafficking. Sexual exploitation no longer holds the top spot as the most prevalent form of human trafficking. Instead, forced begging emerges as the predominant type, constituting 29.3%, followed by labour exploitation at 22.7%. Sexual exploitation accounts for 20% of cases, forced marriage for 14.7%, and coerced involvement in criminal activities for 13.3% of cases. The proportion of children among the victims has seen a significant surge compared to the preceding two years, escalating to 62%. On average, child victims are 12 years old, while the average age of all identified victims stands at 19 years old. The proportion of children among the identified victims of human trafficking is at its highest level since the establishment of the Center, reaching a remarkable 62%. This figure marks a significant increase from 40% in 2022 and 37% in 2021. Children are predominantly exploited through forced begging, with sexual exploitation, coercion into criminal activities, forced marriages, and labour exploitation also prevalent.

Although the indicators for the formal identification of victims of human trafficking were finally created, almost ten years after the establishment of this institution, the question of their application in practice arises, as well as which authority is responsible for their adoption. The establishment of a set of indicators must be adopted by the competent body by the corresponding procedure. Deciding on such an important issue cannot be part of the internal procedure of any institution/institution that is also not transparent, especially considering the (lack)possibility of appealing the decision on granting the status of victim of human trafficking.

[ASTRA](#) – Anti-trafficking action in 2023 identified 29 victims of human trafficking, including 8 children of victims of human trafficking (7 girls and 1 boy). The total no. of calls is 4808.

ASTRA – Anti-trafficking Action has also **running a European number for missing children 116000** in Serbia since 2012. Even though ASTRA received EU accreditation from Missing Children Europe for operating this hotline and has signed a memorandum of understanding with the Ministry of Interior for collaboration in missing children cases, number 116000 is not supported by the budget of the Republic of Serbia. ASTRA is part of the Team working on the introduction of the [Child Alert system](#) (an early warning system in cases of missing children). This process is not conducted in a completely transparent manner and the impression is that it was established pro forma. Due to its experience in managing the European hotline for missing children - 116000, ASTRA has made a significant contribution to the establishment of the "Find Me" (in Serbian "Pronađi me") system in Serbia.

The total number of calls for the 116000 hotline is 219, they are related to 9 children (6 girls and 3 boys). 8 children are citizens of Serbia, and 1 was a foreign citizen, originally from Syria.

In **7 cases children ran away**, in **1 case a boy was separated from his family**, and in **1 case a child disappeared in another way**. All the children were found alive, while ASTRA does not have information about the outcome of the Syrian boy, except for feedback from the police that he was registered on the territory of Serbia for one day.

The position of victims of trafficking in human beings in court proceedings is still without significant progress

The Committee on Children's Rights assessed the application of children's rights in Serbia in 2017. In its final remarks, it offered explicit and specific guidance to the government to enhance legislation and practices concerning the protection of child victims and witnesses of criminal acts.

The Committee raised concerns regarding the insufficient alignment between the Criminal Procedure Code and the Law on Juvenile Offenders and Criminal Justice Protection of Juvenile Persons, particularly regarding the criteria for interviewing vulnerable witnesses. This mismatch frequently leads to the re-traumatization of child witnesses. Consequently, legislative reforms aimed at implementing child-friendly procedures are progressing slowly, while prolonged legal proceedings and a lack of support services for both children and their parents often result in the re-victimization of children throughout the judicial process.

Since 2011, ASTRA-Anti trafficking action has been conducting an analysis of court verdicts for the criminal offence of trafficking in human beings under Article 388 of the Criminal Code, mediation in prostitution under Article 184 of the Criminal Code, as well as trafficking in minors for the adoption of Article 389 of the Criminal Code. The analysis pays special attention to the protection of minors and for that reason singles it out as a separate entity. The analysis of court judgments for 2023 is currently being processed. Unfortunately, there are no significant changes in the position of victims of human trafficking for the better compared to the previous period.

*ASTRA analyzed the criminal offence of human trafficking and the **protection of victims in criminal proceedings.***

Some of the findings of the analysis are that in 2021, out of 38 victims who were involved in criminal proceedings, 32 victims had the status of a particularly sensitive witness (84.21%). In 2022, out of 19 victims, 18 of them had the status of a particularly sensitive witness (94.73%), while for the first 6 months in 2023, out of 17 victims involved in criminal proceedings, 13 had the status of a particularly sensitive witness (76.47 %).

Of the 13 victims who had the status of a particularly sensitive witness in the first 6 months of 2023, only 5 of them were questioned using technical means for image and sound transmission, and with the help of a psychologist, social worker or other professional. No victim was questioned in her/his apartment or another authorized institution, nor was she/he confronted with the defendant. In addition, in no case was the public excluded.

*The current regulations concerning the exclusion of the public are not being sufficiently implemented. A **lack of understanding of the vulnerable position of victims of human trafficking and related crimes by law enforcement agencies results in the inadequate implementation of legal provisions aimed at safeguarding victims' identity and privacy. Despite having all the necessary mechanisms in place within domestic legislation to ensure the protection of victims' privacy and identity in criminal proceedings, the **inconsistent implementation of existing legal provisions in practice is evident.*****

Some of the Council of Europe, [GRETA](#) (Group of Experts on Action against Trafficking in Human Beings), recommendations pertain to all professionals who work with children, including lawyers, prosecutors and judges, and need to receive the necessary interdisciplinary training on the rights and specific needs of children, as well as that child victims of trafficking are interviewed in child-friendly interview rooms (paragraph 159).

Also, the GRETA report mentioned that although child marriages are recognized as a problem, particularly affecting the Roma community, civil society representatives have stressed that there is a lack of proactive measures on the part of social welfare centres and school authorities aimed at preventing such marriages. The slow reaction of prosecutor's offices to reports of cases of child marriages is seen as another problem.

GRETA considers that the Serbian authorities should continue to sensitize and train child protection professionals, teachers, Roma health mediators (see paragraph 193), law enforcement officers and

prosecutors about children's vulnerability to trafficking, paying special attention to children from the Roma community (paragraph 177).

Serbia is not alone when it comes to challenges related to children's rights in the broadest sense and their endangerment and violation. However, there is still room for improving the formulation of public policies in this area and their implementation in practice.

In the conditions of the global crisis and political instability, there must not be a lack of respect for the rights of the child, because as a basic and at the same time the main recommendation, the need to place children's rights in the place it deserves is imposed. It is necessary to work on the capacities and networking of various relevant actors in the field of fighting against all forms of child exploitation, especially sexual exploitation, forced begging, forced to commit criminal acts, child marriages and labour exploitation of children.

Refugee Children

The Law on Asylum and Temporary Protection, adopted in 2018, brought significant innovations regarding the protection of the rights of the child in the asylum procedure. Despite the fact that the legal solutions are largely in line with international standards, Serbia has still not enabled the implementation of certain legal provisions that would lead to the establishment of a child protection system in its territory. The observed problems with the treatment of unaccompanied and separated children include inadequate guardianship throughout the country as well as insufficient number of adequate alternative childcare solutions. The procedure for assigning a temporary guardian often takes several weeks and during this time children stay in an asylum or reception centre. The quality of the service provided by social welfare centres in asylum and/or reception centres is often insufficient due to understaffing and heavy workload of these professionals.

At the beginning of 2023, due to insufficient financial resources a large number of guardians and employees of CSW who work in the field stopped working. For the same reason, the children were moved from the Jovan Jovanovic Zmaj Home, which is part of the Center for the Protection of Infants, Children and Youth in Belgrade. Some of them were moved to social welfare institutions founded by the state, and some were moved to accommodations managed by civil society organisations. The MLEVSI stopped implementing activities for unaccompanied children on 1 February due to lack of funding – the continuation of the project, including all the services and activities, was put on hold for the time being. Consequently, the Ministry's additional team of 60 professionals (guardians, case managers, field workers, counsellors, etc.), who had worked with the migrant-refugee population, was disbanded. After a brief break, the Ministry team resumed its activities thanks to the support of a new donor, albeit at a much smaller scale. The team has been operating only in the territory of Preševo, Bujanovac, Šid and Krnjača, where it has one social field worker at each location, two case managers in Belgrade and two regional coordinators. The activities were funded until 1 August. In September, the Ministry said that talks on the implementation of a new project were under way and that the re-established team would resume work. The team was drastically reduced (from 60 to 24 professionals), but it began implementing its activities in October.

Children are still placed in asylum centres together with adults. During 2021, the Commissariat for Refugees and Migration designated one asylum centre (AC in Bogovađa) as a centre where only

unaccompanied and separated children will be accommodated. However, this is not just a centre for unaccompanied children as a result of lack of accommodation. Moreover, this centre is not adapted to the needs of children.

At the end of 2022, the Commissariat for Refugees and Migration designated other centre located in Šid for the accommodation of children. The Commissariat did not explain the reasons for making the decision to change the centre, and it is disputed that Šid is located near the border with Croatia. In addition to unaccompanied and separated children, the centre in Šid also accommodated families with children and several migrants travelling alone for a while during the first half of the year. A total of 1,149 unaccompanied and separated children were registered in it in the first eight months of the year. Only one Šid SWC officer was appointed their temporary guardian, while five members of the SWC's staff performed the duties of case managers. The small number of temporary guardians and case managers looking after large numbers of children has been a persistent problem in practice impinging on the SWC's efficiency.

The state must provide for special accommodation facilities that fully respond to the needs of unaccompanied and separated children. Further, the state must take the necessary measures to provide alternative care for children deprived of family environment and an adequate guardianship system.

In the previous year, many unaccompanied and separated children were sent to asylum centres without a prior registration procedure. Accordingly, they did not legalise their stay in Serbia and therefore did not have access to more adequate protection. Also, the problem of identifying unaccompanied children has been present for years.

Family Environment and Alternative Care

There is a lack of mainstreamed preventative and family support services for children at risk of entering the care system, despite evidence-based pilot projects demonstrating positive impact of such services.

Even though the Social Protection Law stipulates that a residential institution for children should have **no more than 50 clients**, five large scale residential institutions – four of them for children with disabilities – are still over-represented. Another serious concern is that still some children with disabilities are placed in institutions directly from the maternity ward despite the **ban on the placement of children of up to 3 years old** to the residential institutions. The prohibition of placement of children under the age of 3 needs to be fully respected in practice.

In addition, relevant reports emphasise very poor living conditions, poor and inadequate access to health, lack of access to education, scarce rehabilitation programmes, cases of abuse and neglect, deprivation of privacy, sometimes potentially inadequate medical treatments without informed consent, and overall segregation of children through lack of contact and social interaction with the general population.

National Strategy for de-institutionalisation and development of community-based services was adopted in January 2022. However, there is a need to adopt an accompanying, budgeted Action plan to allow swift progress of the deinstitutionalisation agenda. There is a lack of available community based, targeted services focusing on strengthening family and prevention of child/family separation at local level

that would make deinstitutionalisation process possible. This is especially the case in the poorest municipalities.

Also, relevant bodies should consistently examine every case of violence and neglect and **enable children to file a complaint in case their rights have been violated through a child-friendly and accessible independent and transparent mechanism.**

Children with Disabilities

Children with disability are over-represented in residential institutions as they make 70% of children placed in care, hence the right of these children to grow up in a family environment, free from any form of violence, is violated. They lack adequate access to inclusive education and high-quality health and mental health services and are still surrounded by stigma, discrimination, cultural prejudices and invisibility. There is a lack of supportive services to enable children to have a range of options for living in the community in a family setting, especially upon their discharge from the institution when they attain 18 years of age, including extended kinship care, specialised foster care or adoption, whenever appropriate.

Also, relevant bodies should consistently examine every case of exposure of children with disability to violence and neglect and **enable children to file a complaint in case their rights have been violated through a child-friendly, accessible, independent and transparent mechanism.**

There is a **lack of services** to identify child disabilities at an early age and provide tailored early childhood family-centered support for children and families. Some progress has been made in strengthening data collection on children with disabilities at a municipal and national level. In that regard, the register for children with disabilities is established and managed by the National Institute of Public Health, however, full mainstreaming of the register across a network of primary health centers is an ongoing process and needs to be accelerated.

There is no available data on children with disabilities in mainstream preschool groups, but there are still children attending so called developmental groups intended only for children with disabilities. When it comes to children living in Roma settlements and the poorest children, the latest data are from the UNICEF Multiple Indicators Cluster Surveys 2019 when 10,5% of children from the poorest quintile and 7% of children from the Roma population were enrolled in preschool.

Education for Children

The national Strategy on the Development of Education until 2030 was adopted on 3 June 2021. The Strategy's declared vision is to "provide quality education so that every child, youth and adult in the Republic of Serbia can achieve their full potential". The Strategy's mission is to "provide high-quality education facilitating the development of individuals, and thus society on the whole". The Strategy recognises many of the shortcomings that impinged on the realisation of the rights of the child in 2023,

such as: inadmissibly low budget allocations for education (3.1% of the GDP, and even slightly less in 2023 than in 2022); insufficient investments in primary and secondary education; insufficient initial and continuing education of teachers; extremely low salaries of school staff; substandard horizontal learning system; inadequate statistics including comparable data on the education of vulnerable pupils, et al. Notwithstanding, the Council for Strategic Issues and Reforms in the Field of Education has not met once since it was founded in December 2020. In late 2023, the Serbian Government adopted the 2023–2026 Action Plan for the Implementation of the Education Development Strategy.

Education in Serbia was still fraught with discrimination-related problems in 2023: high absenteeism and dropout rates in many parts of the country; regional discrepancies in terms of funds and resources for schools impeding inclusive education; lack of training for teachers and associates; low rates of enrolment of children with disabilities in schools at all levels; prevalence of “special education classes” in main stream schools; inequalities precluding access to education of vulnerable children, including children with disabilities, migrant and asylum seeking children, rural and Roma children; low attendance rates of Roma children, especially girls, in preschool, primary, secondary and secondary vocational schools; widespread segregation of Roma children in school, etc.

In addition, one of the key issues related to **quality education** is the issue of pupils' burden of school obligations which is linked to children's capacities to properly benefit from the educational process. Children are given extensive homework and teaching is often *ex-cathedra*, meaning that children are not actively involved in the educational process. Thus, it is necessary to apply methods that put the child at the centre of the educational process, as an active participant, teachers should work with children using interactive teaching methods and motivate them to develop proper values, skills and interests.

Empowerment for schools and teachers is necessary so that they could better deal with the challenges they face in working with **refugee and asylum-seeking children**. Furthermore, it is necessary to strengthen the capacities of teachers in order to most effectively adapt their teaching and teaching materials to refugee and asylum-seeking children, as well as effective teacher training for working with this category of children. Also, it is necessary to intensify the Serbian language classes for these children in order for them to adapt as readily as possible to the educational conditions in the Republic of Serbia and to acquire knowledge and progress in education.

Concerns also exist because of high absenteeism rates of Roma pupils; unreliable support measures due to lack of funding of interdepartmental bodies charged with assessing individual cases; overcrowded kindergartens in urban areas and inadequate preschool facilities in rural areas; and the reluctance of parents of disabled children to enrol them in preschool in face of prejudice. School curricula remained obsolete and out of tune with the times and society's needs. The latest findings of the PISA survey indicate stagnation in the main fields of learning that were measured: mathematics, reading and science. Serbia is still far below the OECD average.² Interestingly, the children's sense of belonging to their school was higher than in 2018, but their satisfaction with their life was lower than it used to be and was below the average in countries covered by the study.

² [OECD - PISA 2022 Results: Factsheet, Serbia, published on OECD's website on 5 December.](#)

Furthermore, children now feel safer in school and on their way to school than they did in 2018; it should, however, be borne in mind that the data were collected before the tragic events in May 2023³. School curricula and attitudes towards learning and pupils need to be radically reformed if the education system is to be conducive to prevention of violence in the school setting and enable reporting of and adequate response to violence. Schools should provide education, not be in the service of the executive government, they should be settings in which everyone supports, respects and encourages each other.

Education on Human/Child Rights

Education on the rights of a child is not part of the regular educational system for all children. It is necessary to change the status of the subject Civic Education from compulsory elective to compulsory subject at all levels of education, from preschool to secondary education, accessible to all children without exception. It is also necessary to review and redefine the method of professional training of civic education teachers and undertake support measures for teachers to apply child rights education in the teaching of their subjects through appropriate training and development of supportive educational materials and guides. Children are usually informed about their rights through informal education, which is implemented as part of the project activities of CSOs.

Access to Justice for Children

Children rely on the justice system to protect their rights guaranteed by international standards and national legislation. In order to be able to access justice and have their rights protected and promoted, **the justice system needs to be child-sensitive and child-centred**. Making the justice system more child-friendly contributes to empowering children to be able to take initiative and act in response to their legal needs and violation of their rights. Child-centred perspective acknowledges that specific population i.e. children and in particular the most vulnerable groups of children (e.g. living in conditions of disadvantage - low-income families, from minority, children with disabilities or living in families of parents with disabilities, living in residential care, children deprived of liberty) may have additional legal needs and face extra barriers in resolving their legal and justice problems.

Children in contact with law

The tragedy, which left the country speechless, prompted a number of legal and expert activities, but not an adequate response on the part of the state. The incident, in which a 13-year-old boy shot dead eight children and one adult, caused not only shock and immeasurable grief, but huge fear as well.

The topmost officials responded as well, albeit again **by proposing a repressive move to lower the minimum age of criminal responsibility (MACR) from 14 to 12**. Such a rash response can, inter alia, be ascribed to their lack of knowledge and awareness that the attained level of human rights standards cannot be lowered. The suggestion was absolutely unacceptable because it was not based either on any international standards or scientific findings. Furthermore, lowering the MACR to 12 would clearly not change anything. There will still be children under 12 who commit crimes and who, like ones over 14 now, will not have the opportunity for rehabilitation whilst serving their punishment or for reintegration in

³ *ibid.*

society later. Given that this suggestion was dismissed, the state, schools, parents and even some experts proposed a number of other measures, which were also repressive in character: e.g. to search the pupils and their belongings when they come to school, to ban them from going to or spending time in the schoolyard, and, last but not the least, to amend the Act on the Protection of Persons with Mental Health Disorders.

Draft Amendments to the Act on the Protection of Persons with Mental Health Disorders

A public debate on the draft amendments to the Act on the Protection of Persons with Mental Health Disorders was held from 20 July to 9 August. CSOs were unaware of and consequently did not take part in the round table held on 28 July, when people traditionally go on summer vacation, because information about the public debate and the round table was published only on the website of the Health Ministry.

These provisions diverged from the valid regime of the compulsory institutionalisation of older persons (adults) under the Act, which sets out that the court may order the institutionalisation of adults lasting one, three or six months; there are no reasonable grounds or justification, either medical i.e. psychiatric or legal, for the divergence. Confronted with huge opposition from Serbian and international experts, the state decided against forwarding the amendments for adoption to the parliament, leaving the issue to the parliament to be constituted after the December 2023 elections. A group of domestic NGOs also wrote to the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. In her letter to the Serbian authorities, the Special Rapporteur, inter alia, said that the proposed amendments would impinge on the rights of persons they pertained to, above all children and adults with mental disabilities, and enable the involuntary confinement of children under 14, who could not be held responsible for the crimes they committed, for an indefinite period of time, which is in contra-vention of international standards and Serbian law. The Rapporteur noted that the lack of an initially defined time period of confinement was an exception for children, which placed them in a worse position than other persons institutionalised under this framework, and that there was no provided justification for it. Furthermore, the Rapporteur said that the proposed amendments did not appear to contemplate the foundational principles of the best interests of the child or provide safeguards given that their impact on the life of a child in this situation was severe, equating to the deprivation of their liberty. The Rapporteur also said that the restrictions to contacts with the child and visitation were too strict and contrary to international standards. The Special Rapporteur also harshly criticised the Republic of Serbia with regard to the drafting of the amendments, emphasising that it was “crucial that consultations of such laws are open, broad, and transparent,” which this process was not.

Further, one step forward was made in September 2023, when **the City Assembly of Belgrade adopted an Amendment of the Decision on social protection rights and services, including daycare service for children with behavioral problems** as one of the social services to be provided by the city. However, **funding for this service was not allocated in the 2024 budget.**

However, various **regulations** that were supposed to follow the adoption of the Juvenile Justice Law in 2005 have been pending more than 15 years since its adoption, hampering increased protection of and access to adequate support for children in conflict with the law.

There are still **no adequate alternative measures to pre-trial detention, diversionary measures are scarcely implemented**, and there are **no adequate programmes at the community level** to work with children in contact with law as well as with children under 14 who are not criminally responsible.

In addition, **institutions where children are deprived of liberty**, including pre-trial detention centres and closed and semi-open child justice institutions, still **lack quality treatment programmes** aiming at prevention of re-offending and reintegration of children upon discharge. **Reported cases of use of force and imposed violence by security guards are not properly addressed and investigated.** Children **lack access to quality education programmes, adequate health care services and independent complaint mechanisms.** Even though there is a growing number of children in contact with law with complex and combined mental health problems, they rarely have **access to mental health and psychosocial support services** in local communities, according to the 2022 Research on Conditions and Quality of Treatment of Children in Conflict with the Law in Serbia, conducted by RISP and UNICEF. Sometimes they leave this institution without even completing primary education.

The Juvenile Justice Law provides that children in contact with law are always represented by a lawyer, either of his/her own choosing or appointed by the relevant body (police/prosecutor/judge), from the first questioning of the child. The lawyers representing a child in criminal justice proceedings have to be certified attorneys specialized in the child justice area. However, this **training should be improved** in order to provide attorneys with specific knowledge, skills and attitudes to deal with vulnerable children.

Even though according to the Juvenile Justice Law all professionals (police officers, prosecutors, judges, attorneys) should be specialised to work with children in contact with law, **currently available training does not focus on child-sensitive communication.** Hence, all child justice professionals should have access to continuous education and adjust their communication with the child according to his/her age and maturity. The training should also be gender sensitive and provide for special protection of children with disabilities.

Children Victims and Witnesses of Crime

Even though key measures for protection of children as victims and witnesses of crime have been provided by the Juvenile Justice Law more than 15 years ago, these children are still exposed to lengthy proceedings that are not child-friendly and gender sensitive, and lack resocialisation aspect and psychosocial support, which further leads to their secondary victimisation in the court process.

A step forward has been made by adopting the [National Strategy for the Exercise of the Rights of Victims and Witnesses of Crime in the Republic of Serbia for the period 2020-2025](#) which reiterates basic principles already provided by the Juvenile Justice Law (e.g. possibility of audio-visual recording of interviews with the child and the admissibility of such recording in evidentiary procedure, in accordance with law, appointing a temporary representative where necessary and appointing an attorney to ensure the exercise of child's right to legal aid and representation). However, although the Government adopted **the Decision on Establishing the Coordination Body for Support to Victims and Witnesses in Criminal Proceedings** on 22 April 2021, **there is no available information on whether this body held any meetings in 2022 and 2023.** So far, the Higher Court departments for support and protection of victims have been established in only a couple of courts. In addition, the Strategy provides for appointment of judicial assistants to work in these departments even though they are obviously not qualified to provide the needed support to child victims and/or witnesses and they have not received almost any additional training on children's rights. Their scope of work is thus limited to informing children about their rights in the court process and referring them to specialised services, however, the latter measure is without any

substance as there is no local infrastructure of specialised professionals/service providers who would be able to provide support and protection measures to child victims.

Children in Civil and Administrative Proceedings

Certain improvements were made through operationalisation of international principles and standards, resulting in development of sets of guidelines for professionals in judiciary and social protection systems, which was done in the context of a previous IPA 2013 project. Therefore, it is necessary to provide continuous and comprehensive [capacity building](#) to family law judges, lawyers and professionals working in CSWs to deal with children in family law cases, especially in high-conflict divorce cases. Numerous studies show that children whose parents are in a high-conflict divorce in the long run have the same difficulties as children who are victims of physical abuse and neglect. In addition, judges in administrative proceedings do not receive any training on children's rights and the same applies to lawyers dealing in both civil and administrative cases, as they are not required to complete any additional training in order to be able to represent children/families in these cases.

The child right to a healthy environment

[The national legal framework of the Republic of Serbia](#) does not recognise the child's right to a healthy environment or guarantee it as a special right, but it is protected through the legal framework that guarantees everyone the right to a healthy environment. Thus, the Constitution of the Republic of Serbia, as the highest legal act, guarantees everyone the right to a healthy environment and timely and full information about its state, which indirectly also applies to children.

The Committee on the Rights of the Child has adopted the General comment No. 26 (2023) on children's rights and the environment with a special focus on climate change, which emphasizes the urgent need to address the adverse effects of environmental degradation, on the enjoyment of children's rights, and clarifies the obligations of States to address environmental harm and climate change. Still the government didn't take any actions, only civil society and certain international organisations published the announcements regarding adoption of the General comment No. 26 (2023).

In the upcoming period, Serbia should follow the guidelines of the General Comment 26 in order to improve the system and protect the child's right to a clean, healthy and sustainable environment, and lack of action will mean a violation of this right.

There is no legislative framework that thoroughly regulates the exercise and protection of the child's right to a healthy environment in a systematic way, but there are a large number of laws and bylaws governing various areas of environmental and nature protection, as well as laws that regulate other legal areas, such as education, health, association, information, etc.

The legislative framework of the Republic of Serbia neither recognises nor ensures the sufficient participation of children in the making of local policies in the field of environmental protection and sustainable development.

The legislative framework does not include the obligation of making all information available in a child-friendly language, which seriously compromises the full exercise of the child's right to information.

All this leads to the conclusion that the Republic of Serbia has yet to improve the legislative framework in the field of environmental protection in order to recognise and respect the specifics of children as a

vulnerable group and provide a framework for effective exercise and protection of children's rights to a healthy environment.

Ratification of the Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure

Even though the Republic of Serbia was one of the first states to sign the Third Optional Protocol to the CRC on a communications procedure, the Protocol has not been ratified. There is no legal or factual reason why a signed international document should not be ratified. This important document enables children and their representatives, for the first time, to have the opportunity to address a complaint to an international body - the CRC Committee, when they fail to exercise a certain right at the national level.