National Report – Serbia
Child Rights Centre

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1. Introduction

This national report examines the extent to which Serbia's justice system protects and empowers child victims and witnesses of crime with disabilities, by assessing law and practice against relevant international and regional standards and EU *acquis*. It is developed as part of the wider project *Ensuring Access to Intermediaries for Children with Disabilities in Legal Proceedings* (ENSURE), which aims to strengthen access to justice for child victims with disabilities in criminal proceedings. The project focuses on integrating the roles of intermediaries, support persons and special representatives to make justice processes more inclusive, participatory and rights-based.

The analysis focuses on the core components of child-sensitive, disability-inclusive justice: access to information, child participation, intermediaries and support persons, environment and communication, interviewing techniques, legal aid, legal capacity and supported decision-making, capacity building, intersectionality, as well as monitoring and data collection.

The report recognizes progress achieved over almost two decades of justice for children reforms in Serbia. However, the evidence is clear – implementation remains fragmented and discretionary, leading to inconsistent practice, fragmented and discretionary application of child rights and protection measures. Consequently, the report proposes concise, actionable recommendations to translate Serbia's legal and policy commitments into consistent practice that is in line with binding international and regional standards and EU *acquis*.

1.1. Purpose

The report examines how experts, intermediaries and interpreters contribute to supporting children with disabilities in Serbia's criminal justice system. It reviews the national legal framework and its implementation in practice, with particular attention to procedural accommodations and cross-sectoral cooperation. The report identifies gaps, highlights promising practices and proposes practical recommendations to strengthening access to justice for children with disabilities.

The results will inform the ENSURE project, enabling comparative analysis across participating countries, and will contribute to national and regional advocacy aimed at embedding intermediary and support roles in justice systems, so that rights and protection measures are realised for all children who need them.

1.2. Scope

The report examines access to justice for children with disabilities who come into contact with the criminal justice system as victims or witnesses of crime in Serbia. While the primary focus is on children with intellectual and psychosocial disabilities, the assessment also considers children with sensory, communication, physical and multiple disabilities and ensures an intersectional understanding across gender, ethnicity, socio-economic status and placement. The analysis focuses on procedural accommodations and the roles of experts, interpreters and other professionals responsible for enabling children's effective participation.

The geographical scope is nationwide. Substantively, the report spans the full procedural chain, consisting of the first contact with the police, investigation, prosecution, court proceedings and immediate post-trial follow-up, and covers settings both inside and outside the justice venues. The aim is to provide a practical, system-wide account of what works, where gaps persist and how Serbia can move from discretionary measures to guaranteed, early and disability-inclusive justice for every child.

2. Methodology

This report applies a **mixed-methods** design that combines doctrinal legal and policy analysis with qualitative inquiry (interviews and focus groups) and is complemented by secondary analysis of the Child Rights Centre's research conducted in early 2025.

2.1. Legal and Policy Analysis

A structured **desk review** mapped Serbia's legislative framework against international and regional standards and relevant EU *acquis*. The review examined the availability, scope and justiciability of protection measures and procedural accommodations and assessed their operationalization in practice. Special attention was given to the roles of experts, intermediaries/support persons and interpreters who may be engaged by prosecutors or judges in criminal proceedings involving children as victims or witnesses.

2.2. Qualitative Data Collection

Primary qualitative data were collected through **semi-structured interviews and focus groups** with approximately 7-10 participants per group. Three key groups of participants were prioritised:

a) Professionals – Key informants included judges, prosecutors, police officers, social workers, child psychiatrists and psychologists, support professionals, professionals from organizations of persons with disabilities (OPDs) and other experts working with child victims and witnesses. Participants included: a Deputy Republic Public Prosecutor; a retired Judge of the Appellate Court in Novi Sad; the Director of the Institute for Mental Health; the Director of a residential institution in Belgrade hosting children without parental care (approximately 70% of children in residential care are children with disabilities), including its Emergency Shelter unit; the Head of the Emergency Shelter for child victims of violence (primarily admitted when their immediate caregivers are alleged offenders); a Court Psychologist supporting child offenders and child victims in the Higher Court in Belgrade; a Social Worker at the Centre for Social Welfare (CSW) in Kragujevac; a Psychologist working with child trafficking victims in the Centre for the Protection of Victims of Trafficking in Human Beings; the Head of Child Delinquency Department in the Ministry of Interior (MoI); two advisers working in the Ministry of Labour, Employment, Veteran and Social Affairs (MoLEVSA); the Director of the National Organisation of Persons with Disabilities of Serbia (NOOIS); the Director of the Union of Associations for Support to Persons with Autism; the Director of the Union of Associations for Support to Persons with Intellectual Disabilities in Serbia and a Social Worker from NGO ASTRA – Action against Trafficking in Human Beings. Their insights were instrumental in understanding institutional practices, challenges and potential improvements across the justice system.

b) Children with disabilities – The primary focus is on children with intellectual and/or psychosocial disabilities who have had contact with the justice system as victims or witnesses of crime. Engagement with this group of children was planned through professionals highly specialised in supporting these children, following the ethical protocols and research framework of the ENSURE project. However, during the initial period, focus groups with children residing in shelters or institutions could not be organised. Caregivers informed us that only one or two children with disabilities were currently placed in these facilities, and due to the complexity of their situations, it was considered inappropriate to facilitate group discussions in the short timeframe available. It was agreed that a longer-term, phased approach is required to ensure children's emotional safety, stability and readiness to participate. These focus groups will therefore be organised at a later project stage when conditions are suitable.

Similarly, attempts to engage children with disabilities living with their families were not successful. Support persons strongly advised that direct outreach at this time could risk retraumatisation, given recent or ongoing exposure to violence or court proceedings. Avoiding secondary victimization and ensuring psychological safety were priorities over primary data collection. Accordingly, children with disabilities who are victims of crime were only accessed indirectly through their supporting professionals. Likewise, children who completed criminal justice proceedings were not contacted to protect their recovery.

This report therefore represents the first phase of qualitative engagement with children with disabilities. It is intended to be updated and expanded throughout the first year of implementation, once ethically sound opportunities for participation are confirmed.

c) Children from the DX Club – A focus group was conducted with children from the Child Rights Centre's DX Club, facilitated by the Child Rights Centre's Child Participation Specialist. These children do not have disabilities and did not have direct experience with the justice system, but they were engaged to provide a broader peer perspective on inclusion, accessibility, communication and respect of rights of children with disabilities. Discussions covered: awareness of rights and information sharing, participation in the proceedings, rights to education, health, play and leisure, protection from violence and discrimination, freedom of expression and access to legal remedies.

2.3. Secondary Data Analysis

Findings were triangulated against the Child Rights Centre's research[1] finalised in February 2025. Dataset contains: surveys with a total of 33 prosecutors from Higher Public Prosecution Offices, 28 judges and assistant judges working in Higher Courts, 46 practitioners from CSWs, 13 attorneys and 6 police officers; six bilateral interviews and two focus groups with professionals from law enforcement, judicial and social welfare sectors and administrative data, particularly system-level indicators on availability and use of adapted spaces, audio-video link and other procedural adaptations and professional attitudes to child participation.

[1] Child Rights Centre, Assessment of the System of Protection of Child Victims and Witnesses in Criminal Proceedings in Serbia - *Draft*, February 2025 (on file with the author; unpublished). The assessment was conducted in partnership with UNICEF Serbia.

This ensured systematic cross-validation of themes emerging from interviews and legal analysis conducted in the context of preparation of this report.

2.4. Sampling Strategy

A purposive sampling approach ensured representation across disability types, placement (institutional care, family-based care), professionals – both first-line responders and decision-makers – across law enforcement, justice and social welfare sectors, as well as OPDs to reflect disability-specific knowledge.

The sample was constructed to focus on relevance and expertise, rather than statistical representativeness.

2.5. Data Analysis

Qualitative data were analysed using thematic coding, guided by international and regional child rights standards and the research objectives. The legal review applied doctrinal and comparative methods, examining alignment of statutory laws and reported practice with relevant standards.

2.6. Ethics and Safeguarding

Ethical obligations framed the entire research process as follows:
a) Voluntary participation and informed consent procedures were applied;
b) Safeguarding guidelines complied with national data protection laws and international standards;
c) Interviews were organised in safe, accessible environments;
d) Personal data were de-identified, stored securely and used solely for research purposes;
e) Engagement with highly vulnerable children was professionally mediated and subject to continuous risk assessment. Protecting the dignity and psychological well-being of child participants remained the highest priority.

2.7. Limitations

While this report aims to present a comprehensive picture of how children with disabilities are supported in the justice system, several limitations must be acknowledged. Access to children with disabilities, particularly those with intellectual or psychosocial disabilities, remains a challenge. Many families and institutions often act as gatekeepers and some children are unwilling or unable to participate directly. Another challenge is that some children are currently involved in criminal proceedings, hence, their vulnerability is heightened. Similarly, some child victims still suffer from consequences of crime and they currently undergo psychotherapy. Discussing their experiences of the justice process can be sensitive and risks secondary victimization. As a result, in some instances children's perspectives were mediated through professionals, which may filter their voices or influence the way their experiences are presented.

These are the reasons because the research design carries an inherent tension between the need for in-depth information and the responsibility to avoid secondary victimisation. While these measures are essential, they may limit the depth of questioning and the number of children involved. The sample size is therefore small and purposive, and although efforts were made to include children with different types of disabilities or from diverse backgrounds, the

findings cannot claim to represent the full spectrum of experiences of children with disabilities in contact with the justice system in Serbia.

3. Context – International and Regional Standards

The UN **Convention on the Rights of the Child**[2] (CRC) recognizes all children as rights holders entitled to protection from all forms of violence, meaningful participation and effective access to justice. For child victims of crime, who often face significant emotional, psychological and physical consequences and challenges, these guarantees are critical. Child-sensitive criminal proceedings, grounded in procedural safeguards, multidisciplinary support and the primacy of the best interests of the child, mitigate harm and enhance the quality and fairness of justice process outcomes.

Global evidence, such as the ***World Report on Violence against Children,*** demonstrates that children with disabilities are at even higher risk of violence across all settings.[3] Drivers include entrenched prejudices, stigma affecting families and the heightened emotional, physical and economic demands some disabilities may entail. They may struggle to report abuse, and, when they do, their accounts are more readily doubted and harm against them minimized.[4] When in contact with the justice system as victims or witnesses of crime, they are even more likely than their peers to experience discriminatory treatment as they face additional and layered barriers. These obstacles include fragmented coordination between justice, police, social welfare, health and education sectors, with no single authority assuming responsibility for their protection; physical inaccessibility of judicial and other institutional buildings and service providers, including inaccessible public transportation; economic and procedural barriers, such as court fees, travel costs, complex procedures, long delays, limited access to high quality free legal aid as well as cultural and attitudinal prejudices that question capacities of children, particularly those with intellectual or psychosocial disabilities, and further reinforce stigma. As a result, the justice system not only denies children effective remedies and access to justice but also deepens cycles of exclusion, leaving children with disabilities even more vulnerable to violence and exploitation.[5] Within this context, procedural accommodations and coordinated professional support are essential to safeguard the rights of children with disabilities in contact with the justice system.

The UN **Convention on the Rights of Persons with Disabilities**[6] (CRPD) highlights accessibility as a core principle (Article 3) and mandates procedural and age-appropriate accommodations and capacity building of professionals to ensure effective access to justice (Article 13). It specifically calls for measures such as accessible buildings, transportation, information systems, public signage in Braille and easy to read and understand formats, forms of live

[2] UN, Convention on the Rights of the Child, adopted 20 November 1989, entered into force 2 September 1990, UN Doc. A/RES/44/25.
[3] Paulo Sérgio Pinheiro, World Report on Violence against Children, United Nations, 2006, p. 68 and 176.
[4] UNICEF Innocenti Research Centre, Innocenti Digest No. 13, Promoting the Rights of Children with Disabilities, 2007, p. 19.
[5] UNICEF Regional Office for Europe and Central Asia, Breaking Down Barriers, Equitable Access to Justice for Children with Disabilities, 2020, p. 8.
[6] UN, *Convention on the Rights of Persons with Disabilities*, adopted 13 December 2006, entered into force 3 May 2008, UN Doc. A/RES/61/106.

assistance and intermediaries through guides, readers and professional sign language interpreters (Article 9). It further requires protection, rehabilitation and social reintegration for victims to support their recovery and dignity (Article 16).

General Comments of the Committee on the Rights of Persons with Disabilities on **accessibility**[7] and on **women and girls with disabilities**[8] further urge States to ensure accessible law enforcement and justice facilities, health and social services, as well as communication in multiple formats (e.g., Braille, sign language, electronic and easy-to-read materials) and gender-responsive services tailored to the needs of girls with disabilities.

European practice mirrors these requirements. The **Directive establishing minimum standards on the rights, support and protection of victims of crime**[9] (the EU Victims' Rights Directive) is the core EU framework ensuring that child victims, including those with disabilities, receive tailored support, procedural accommodations and child-sensitive protections throughout criminal justice proceedings, safeguarding their best interests and effective participation. Particularly relevant is Article 22, which introduces individual assessment of victims to identify specific protection needs and appropriate measures for each victim.

At the same time, civil society, in particular, the European Disability Forum (EDF), continues to document major gaps. They indicate that victims with disabilities often lack accessible information about reporting mechanisms and procedures, face significant physical, communication and attitudinal barriers and encounter obstacles linked to substituted decision-making regimes, especially where a guardian may be implicated. Moreover, victims' services, such as shelters, legal aid and psychosocial support, remain largely inaccessible, while justice systems frequently fail to provide necessary procedural accommodations, including sign language interpretation, Braille documents, or physically accessible court facilities.[10]

Professional support is therefore critical to preventing secondary victimisation and ensuring that children are heard, understood and respected. Emerging practices, such as the appointment of intermediaries, demonstrate how specialised, independent professionals can bridge communication barriers and facilitate effective engagement between children with disabilities and justice actors. Defined under the **International Principles and Guidelines on Access to Justice for Persons with Disabilities**, intermediaries (also known as "facilitators") are *"persons who work with justice system personnel and persons with disabilities to ensure effective communication during legal proceedings. They support persons with disabilities to understand and make informed choices, making sure that things are explained and talked about in ways that they can understand and that appropriate accommodations and support*

[7] Committee on the Rights of Persons with Disabilities, *General Comment No. 2 (2014): Article 9 - Accessibility*, UN Doc. CRPD/C/GC/2, 22 May 2014.
[8] Committee on the Rights of Persons with Disabilities, *General Comment No. 3 (2016): Article 6 – Women and Girls with Disabilities*, CRPD/C/GC/3, 2 September 2016.
[9] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.
[10] European Disability Forum, *Position Paper: Input to the European Commission's consultation on EU rules on victims' rights (update) – call for evidence*, 2022.

are provided. Intermediaries are neutral and they do not speak for persons with disabilities or for the justice system, nor do they lead or influence decisions or outcomes." [11] States are encouraged to establish, fund and implement programmes of independent intermediary schemes to ensure safe, fair and effective engagement of persons with disabilities and the opportunity to fully participate in justice processes.[12]

4. National Legal and Policy Framework

4.1. Overview of National Legal Framework Relevant to Child Victims and Witnesses of Crime with Disabilities

The legal and policy framework in Serbia governing the rights of children with disabilities is broad in scope but remains highly fragmented across sectoral legislation in areas such as social welfare, education, health care, family law and non-discrimination, among others. The rights and protection of child victims and witnesses of crime are regulated through criminal justice legislation. Below is an overview of laws relevant to the treatment and protection of children with disabilities as victims and witnesses of crime, even where they are not expressly identified as such.

The Constitution of the Republic of Serbia

The **Constitution of the Republic of Serbia**[13] allows for the **direct application of ratified international treaties** as an integral part of the national legal system.[14] Domestic legislation may regulate only the manner of their exercise and may not diminish their substance. Accordingly, the CRC and CRPD prevail over conflicting national legislation and guide the interpretation of constitutional and statutory rights.[15] The Constitution guarantees equality before the law and explicitly prohibits all forms of direct or indirect discrimination, including on the grounds of disability. It also provides for affirmative measures to achieve substantive equality for disadvantaged groups,[16] guarantees the right to social protection for individuals and families in vulnerable circumstances and accords special protection to persons with disabilities.[17] Furthermore, it requires that children must be protected from psychological, physical, economic and any other form of exploitation or abuse.[18]

The Criminal Procedure Code

The role of a victim in Serbian criminal proceedings is governed by the **Criminal Procedure Code**[19] (CPC), under which the victim is designated as "injured party". The CPC requires that victims be **informed of their rights at their first encounter** with the competent authority, with

[11] UN, *International Principles and Guidelines on Access to Justice for Persons with Disabilities*, 2020, Glossary of Terms.
[12] *Ibid*., Principles 1.2 (j) and 32 (a) and (b).
[13] Constitution of the Republic of Serbia, Official Gazette of the Republic of Serbia, No. 98/2006 and 115/2021.
[14] *Ibid.*, Art. 16, para. 2, and Art. 194, para. 4.
[15] Child Rights International Network (CRIN), Rights, Remedies & Representation: Global Report on Access to Justice for Children – Serbia, 2016.
[16] *Ibid*., Art. 21.
[17] *Ibid*., Art. 69.
[18] *Ibid.*, Art. 64, para. 3.
[19] Criminal Proceedings Code, Official Gazette of the Republic of Serbia, No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 – Decision Constitution i 62/2021 – Decision Constitution).

both prosecutors and judges carrying the responsibility to provide this information.[20] These rights must not be interpreted in isolation, but in light of ratified international and European treaties and standards, including the CRC and CRPD.[21] Courts may **exclude the public** from hearings to protect the interest of children, either *ex officio* or upon the proposal of a party or defense counsel.[22]

Core special protection measures for vulnerable victims are articulated through the legal construct of **"particularly sensitive witness"**, outlined in **Articles 103 and 104**. The designation of particularly sensitive witness status may be applied to individuals whose age, life experience, lifestyle, gender, health condition, or the nature, method and consequences of the crime as well as other relevant circumstances render them particularly vulnerable. These provisions establish a legal foundation for differentiated treatment of child victims, including those with disabilities, enabling the proceedings to be adapted to their needs. Also, prosecutors may **engage experts specialised in certain areas** to clarify issues related to collected evidence. The costs of their engagement are borne as part of the proceedings.[23]

According to the rules on questioning witnesses, **witness testimony must be given orally**. Following general introductory questions, the witness is invited to state everything they know about the case in their own words. Once the witness has made their statement, the examiner may ask additional questions where necessary to verify, supplement or clarify what has been said. All questions must be clear, precise and understandable and must not be misleading or suggestive. They cannot be based on assumptions about facts not previously stated by the witness, nor may they imply an expected answer, except during cross-examination at the main hearing. Every witness must also be asked how they came to know the facts to which the testimony relates. When the witness is also a victim, they are additionally asked whether they wish to pursue a property claim within the criminal proceedings.[24]

When **witnesses have disabilities**, specifically if they are **deaf, blind, or mute**, the examination must follow the procedures set out in Article 87 of the CPC, which guarantees accessible modes of communication. These include: written communication for persons who are deaf or mute, and oral presentation or reading aloud of written material for persons who are blind. If an examination cannot be conducted in this manner, a person capable of communicating with the witness must be appointed to act as an interpreter.[25] The CPC further authorises the prosecutor or judge to order **a psychiatric assessment** of a witness if there is doubt about their ability to testify.[26] In such cases, an expert determines whether the person has mental impairments and provides an opinion on their capacity to give reliable testimony.[27]

[20] *Ibid.*, Art. 50.
[21] Supreme Court of Cassation of the Republic of Serbia and OSCE Mission in Serbia, Guidelines for Improving Practice in Compensation Procedures for Victims of Serious Crimes in Criminal Proceedings, 2019, p. 17.
[22] CPC, Art. 363.
[23] *Ibid*., Art. 300, para. 9.
[24] Ibid., Art. 98.
[25] *Ibid*., Art. 87.
[26] *Ibid*., Art. 131 para. 2.
[27] *Ibid*., Art. 132 para. 3.

The CPC requires the prosecutor or presiding judge to **appoint a legal representative** for victims who have been granted the status of particularly sensitive witnesses. Appointment is made from the official list of attorneys maintained by the competent bar association for *ex officio* defense.[28]

Finally, the CPC regulates the **allocation of costs of proceedings**, including expenses related to witnesses, expert witnesses, expert advisers, translators, interpreters and technical staff. Each judgment or other decision must contain a specific **ruling on costs liability**, indicating who bears the costs of the proceedings and in what amount.[29]

The Law on Juvenile Offenders and Protection of Minors in Criminal Justice Proceedings

The **Law on Juvenile Offenders and Protection of Minors in Criminal Justice Proceedings**[30] (Child Justice Law) applies to children over the age of 14 who commit criminal offences, as well as to child victims of a defined set of 27 offences. Strongly influenced by international child-friendly justice standards, it establishes special procedural protections to safeguard children's dignity, safety and participation in criminal proceedings.[31] Core protections include:

- **Principle of urgency** – All authorities must act swiftly to minimize delays;[32]
- **Supported interviews** – Children must be interviewed with the support of a psychologist, pedagogue or other expert trained to ensure support and appropriate communication with children;[33]
- **Interviews outside the courtroom** – Children may be questioned via audio-video link, in their home or in an authorized institution or organization. In such cases, recordings of the questioning shall be read or played at the main hearing;[34]
- **Limited number of questionings** – The number of interviews is limited to two, except in cases where additional questionings are strictly necessary for procedural justice;[35]
- **Prohibition of confrontation** with the accused – Child victims cannot be forced into direct contact with the defendant;[36]
- **Right to specialized legal representation** – Child victims are entitled to free legal assistance by lawyers with expertise in children's rights and child protection, starting from the first interview of the defendant;[37]

[28] *Ibid*., Art. 103 para. 3.
[29] *Ibid*., Art. 261 and 262.
[30] Law on Juvenile Offenders and Protection of Minors in Criminal Justice Proceedings, Official Gazette of the Republic of Serbia, No. 85/2005. In line with the recommended terminology changes regarding child offenders, as outlined in General Comment No. 24 of the Committee on the Rights of the Child, the term "juvenile justice" should be replaced with "child justice". However, to avoid confusion, and since professionals in Serbia still resist this shift, this document retains the official title of the law and, for brevity, refers to it as the "Child Justice Law". It should be also noted that in September 2025 the Ministry of Justice established a working group to draft the Child Justice Law.
[31] Child Justice Law, Art. 150.
[32] *Ibid*., Art. 157.
[33] *Ibid*., Art. 152 para. 1.
[34] *Ibid*., Art. 152 paras. 3-5.
[35] *Ibid*., Art. 152 para. 2.
[36] *Ibid*., Art. 153.
[37] *Ibid*., Art. 154.

- **Mandatory professional specialisation** – Prosecutors, judges, police officers and attorneys involved in cases concerning child victims must undergo specialist training.[38] The Judicial Academy, mandated to ensure training in judicial system, delivers this training under its Continuing Education Programme.[39]

Finally, the Law mandates the establishment of the Council on Monitoring and Improvement of Work of Judicial Bodies in Child Justice Proceedings and Execution of Sanctions against Child Offenders (Council), that should be comprised of experienced professionals and experts in child justice, appointed by the Supreme Court of Serbia and the Ministry of Justice (MoJ). The Council provides recommendations, opinions and analyses to strengthen policy and practice for both child offenders and child victims and witnesses of crime.[40]

The Law on Prevention of Domestic Violence

The **Law on Prevention of Domestic Violence**[41] regulates the coordinated actions of state authorities and institutions in preventing and responding to domestic violence. It establishes a mandatory multi-sectoral approach, requiring specialized cooperation between police, prosecution, social welfare, health and other relevant services to ensure timely, effective and victim-centered protection.[42] The Law enables emergency protection measures against alleged perpetrators, such as temporary removal from the residence and a prohibition on contact or approaching the victim.[43] Victims are guaranteed the right to information about protection and support services offered by relevant public institutions and NGOs in a way and language they understand,[44] as well as the right to free legal aid.[45] A key innovation is the requirement to develop an individual protection and support plan, which sets out tailored interventions to safeguard the victim, prevent revictimization, promote psychological recovery and support long-term empowerment and independence.[46]

The Law on Free Legal Aid

The **Law on Free Legal Aid**[47] establishes who is entitled to free legal assistance and under what conditions. Children and persons with disabilities are explicitly recognized among the priority beneficiary groups, reflecting their heightened vulnerability and need for effective access to justice. Eligibility extends to Serbian citizens, as well as stateless persons, foreign nationals with permanent residence in Serbia and any individual entitled to free legal aid under another law or a ratified international treaty. The Law differentiates between primary and secondary legal aid. Primary legal aid includes the provision of basic legal information, assistance with completing forms, drafting simple notarial acts and mediation services. It may

[38] *Ibid*., Art. 150 para 1.
[39] Information available at the website of Judicial Academy, at: https://www.pars.rs/en/ongoing-training.
[40] Law, Art. 166.
[41] Law on Prevention of Domestic Violence, Official Gazette of the Republic of Serbia, No. 94/2016 and 10/2023.
[42] It should be noted that domestic violence is criminalized by the Criminal Code and the Law on Public Peace and Order.
[43] *Ibid*., Art. 17.
[44] *Ibid*., Art. 29.
[45] *Ibid*., Art. 30.
[46] *Ibid*., Art. 31.
[47] Law on Free Legal Aid, Official Gazette of the Republic of Serbia, No. 87/18.

be provided by notaries, mediators, legal clinics and mediation services. Secondary legal aid includes legal advice, preparation of written submissions and representation or defense before competent authorities. It is delivered by attorneys and municipal legal aid services. Civil society organisations have a more restricted mandate: they may provide comprehensive legal aid only in asylum and anti-discrimination cases. However, within their established mandates, they can continue to provide general legal information and assistance with form completion.

Law on the Police

The **Law on the Police**[48] provides for protective measures for victims or any individual who has provided information critical to criminal proceedings, as well as those connected to them, if they face threat from the perpetrator, including confidentiality guarantees. The MoI determines specific methods of implementation.[49]

The Family Law

The **Family Law**[50] regulates, *inter alia*, family relationships, including parental authority, guardianship and protection from domestic violence. Parents hold both the right and the duty to represent their child in legal matters.[51] In cases where a conflict of interests arises between the child and their legal representative, the Family Law requires the appointment of a special (conflict) guardian[52] to ensure the child's rights are independently protected.

The CSW serves as the designated guardianship authority, responsible for family protection, support and guardianship functions, including interventions for child victims of violence and neglect.[53]

The law embeds the best interests of the child as a guiding principle. It guarantees the right of every child capable of forming their views to express them freely in all matters affecting them. To facilitate this, the child must first be provided with all information necessary to form their opinion.[54]

However, significant gaps remain. The Family Law still contains outdated provisions such as full deprivation of legal capacity[55] and extension of parental rights into adulthood,[56] which undermine the autonomy and civil rights of persons with intellectual or psychosocial disabilities.[57]

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[48] Law on Police, Official Gazette of the Republic of Serbia, No. 6/2016-3, 24/2018-95, 87/2018-24.
[49] *Ibid*., Art. 48.
[50] Family Law, Official Gazette of the Republic of Serbia, No. 18/2005, 72/2011 – other law and 6/2015.
[51] *Ibid*., Art. 72.
[52] *Ibid.*, Art. 265.
[53] *Ibid*., Art. 12.
[54] *Ibid*., Art. 65.
[55] *Ibid*., Art. 146.
[56] *Ibid*., Art. 85.
[57] Although amendments to these provisions have been continuously announced over the last decade, they have remained unchanged.

The Law on Social Welfare

The **Law on Social Welfare**[58] regulates procedures for exercising rights and delivering of services within the social welfare system. It identifies beneficiaries of social welfare, including children with disabilities (physical, intellectual, mental, sensory, speech and language, socio-emotional or multiple) whose needs for care and support exceed family capacities, child victims or those at risk of abuse, neglect, violence and exploitation, as well as trafficking in human beings.[59] Beneficiaries are entitled to five categories of services: assessment and planning, daily services in the community, services supporting independent living, counselling and socio-educational services and placement. Service provision is ensured by either central or local government or the autonomous province, depending on the type of service.[60] Services may be provided by public institutions or licensed social protection providers through public procurement.[61]

The General Protocol for the Protection of Children from Abuse and Neglect

The **Protocol for the Protection of Children from Abuse and Neglect** sets out intersectoral cooperation to ensure prevention and protection against violence.[62] The CSW coordinates child protection, except in urgent cases of domestic violence, where the prosecutor or coordination groups lead the response.

The Rulebook on the Organisation, Norms and Standards of Work of Centres for Social Welfare

The **Rulebook on the Organisation, Norms and Standards of Work of Centres for Social Welfare**[63] (Rulebook) defines the core responsibilities of CSW, including case management and coordination of support services for children and families, guardianship functions for children without adequate parental care or when a conflict of interest arises and professional assistance in protection measures for victims of domestic violence.[64] Upon request of the court or prosecutor, the CSW provides professional assessments and opinions relevant to decisions on protection measures and urgently needed support for the victim. These assessments are also required when the CSW itself initiates proceedings in line with its guardianship duties.[65]

Case managers deliver specialized social work services, including individual and group counselling, and referral to essential services, such as psychosocial support for child victims,

[58] The Law on Social Welfare, Official Gazette of the Republic of Serbia, No. 24/2011 and 117/2022 – Decision CC.
[59] *Ibid*., Art. 41**.**
[60] *Ibid*., Art. 40.
[61] *Ibid*., Art. 64.
[62] Protocol for the Protection of Children from Abuse and Neglect. Available at: https://www.paragraf.rs/propisi/opsti_protokol_za_zastitu_dece_od_zlostavljanja_i_zanemarivanja.html
[63] Rulebook on the Organisation, Norms and Standards of Work of Centres for Social Welfare, Official Gazette of the Repubic of Serbia, No. 59/2008, 37/2010, 39/2011 – other rulebook, 1/2012 – other rulebook, 51/2019, 12/2020 and 83/2022.
[64] *Ibid.,* Art. 4(2) and (3).
[65] *Ibid*., Art. 62.

where such service exists. Where necessary, a case manager may also be appointed as a temporary guardian, ensuring representation and protection of the child's rights during proceedings on deprivation of legal capacity or parental right.[66]

Court Rules of Procedure

Under the **Court Rules of Procedure,**[67] witness and victim support services may be established in Higher Courts, as well as in other courts designated by the High Judicial Council, which is responsible for deciding where such services are introduced and operationalized.[68] The court must inform witnesses and victims of the availability of support services by including a dedicated notice on the summons.[69] Support service established in the Higher Courts may also assist in proceedings conducted before lower courts. In a courthouse housing multiple judicial bodies, a joint support service for witnesses and victims may be organized based on an agreement among the heads of those bodies, promoting coordinated and cost-efficient provision of assistance. Support services operate through trained professionals and may also involve trained volunteers.[70] All cases involving child victims are treated as urgent.

4.2. Victim and Witness Support System Established by the Strategy for the Protection of Rights of Victims and Witnesses of Crime

The **Strategy for the Protection of Rights of Victims and Witnesses of Crime in the Republic of Serbia (2020-2025)**[71] (National Victims' Strategy) aims to align Serbian practice with the EU Victims' Rights Directive and to operationalize a coherent system of protection and support for victims and witnesses. It recognizes children and persons with disabilities as particularly vulnerable and therefore entitled to tailored support measures and specialized assistance.

The National Victims' Strategy distinguishes between primary and secondary support. **Primary support** includes information about rights of victims and witnesses in criminal proceedings, available secondary or specialised support and services, individual assessment of the victim's specific needs, provision of emotional support and other issues.

Secondary support is provided by specialised service providers. This type of support is crucial for victims, who in a large number of cases need comprehensive support that goes beyond information about the procedure and individual assessment. It implies provision of

[66] *Ibid.*, Art. 31, 32(1)(14), 32(2) and 32(4).
[67] Court Rules of Procedure, Official Gazette of the Republic of Serbia, No. 110/2009, 70/2011, 18/2012, 89/2013, 96/2015, 104/2015 – corr., 39/2016, 56/2016, 77/2016, 16/2018, 78/2018, 43/2019, 93/2019 and 18/2022.
[68] The High Judicial Council issued Instructions on the Method of Access, System of Work, and Procedures of the Witness and Victim Support Service in 2015. These instructions specify that support services are attached to the court administration in higher courts and include the option for a joint service to support all courts and prosecutor's offices located within the same building, based on mutual agreement.
[69] *Ibid*., Art. 38a.
[70] *Ibid*., Art. 38b.
[71] National Strategy for Protection of Rights of Victims and Witnesses of Crime in the Republic of Serbia for the Period 2020-2025, Official Gazette of the Republic of Serbia, No. 30/18.

psychological and psychosocial assistance, medical care, safe accommodation, free legal aid, individual and group rehabilitation, as well as psychosocial and economic empowerment programmes.

Key elements of the **child-sensitive approach** include:[72]

- **Child-friendly justice and protection** – The justice process must be adapted to the child's specific needs, avoiding secondary victimization by limiting the number of interviews and ensuring they are conducted by trained professionals in child-sensitive environments.
- **Access to support and assistance** – Children must have access to comprehensive services, including legal aid, psychological support and social assistance, development of individualized support plan to ensure safety, recovery and reintegration of child victims.
- **Specialized training** – Police officers, prosecutors, judges and social workers must undergo professional training on child-sensitive approaches and communication with children.
- **Prevention of re-traumatization** – Measures outlined to protect children from re-traumatization include the use of audio-visual technology for testimonies, preventing direct contact with perpetrators and maintaining the confidentiality of the child's identity.
- **Multi-sectoral cooperation** – It calls for stronger coordination across justice, health, education and social protection sectors with the aim to ensure holistic and efficient support to child victims.
- **Public awareness** – Campaigns are promoted to raise community awareness about the rights of child victims and the importance of their protection.

This strategy calls for establishing a **National Network of Support Services** in all Higher Courts. During the initial phase, support activities are to be provided by assistants, psychologists already employed in existing support services and additional professionals, such as psychologists, pedagogues and special pedagogues, who will be recruited as resources permit.

The National Victims' Strategy recognizes CSOs as a potential service provider. Eligible CSOs will be able to apply for co-financing of their services and be integrated into the national network, expanding access to community-based and specialized services. It also mandates the establishment of victim and witness information contact points within the MoI as well as of an effective coordination mechanism – a Victim and Witness Support Services Coordinator within the MoJ.

4.3. Policy Documents Relevant to Children with Disabilities

Strategy for the Improvement of the Rights of Persons with Disabilities

[72] *Ibid*., para. 8.1.2.1.

The **Strategy for the Improvement of the Rights of Persons with Disabilities (2025-2030)**[73] represents Serbia's most recent and comprehensive policy framework for promoting the inclusion, equality and participation of persons with disabilities in different spheres of life. It is grounded in principles of dignity, independence, freedom of choice and respect for individual autonomy, reflecting obligations under the CRPD.

Of particular relevance is **Specific Objective 3** which focuses on equal participation of persons with disabilities in all aspects of community life. Within this, **Measure 3.5.** ***Improvement of conditions for exercising the right to access to justice and to a fair trial for persons with disabilities on an equal basis with other citizens*** aims to ensure equal access to justice and fair trial guarantees. It promotes strengthening the competencies of justice sector professionals for effective communication with persons with disabilities as parties in the proceedings, providing continuous, specialized training on disability rights, types of disabilities, communication needs and functional barriers, as well as improving implementation of reasonable and procedural accommodations throughout the judicial processes. Implementation responsibilities lie with the MoJ, in partnership with the MoLEVSA, the Judicial Academy, the Supreme Public Prosecutor's Office, the Supreme Court, the Administration for Enforcement of Criminal Sanctions and NOOIS, as the representative of disability umbrella organization.

Action Plan for Chapter 23

The **Action Plan for Chapter 23**,[74] adopted by the Government of Serbia in July 2020 as part of EU accession reforms, foresees the establishment of regional centres for children and families to support the wider deinstitutionalization process. These centres are intended to provide integrated support services, including assistance for child victims of crime. The activity was scheduled for implementation in the first quarter of 2022.[75] The Action Plan also envisages the introduction of post-traumatic counselling and specialized support for child victims and witnesses during criminal proceedings in the context of family support services. This requires a coordinated commitment between the ministries responsible for social protection and justice, alongside the Republic Institute for Social Protection, with implementation initially planned for the first quarter of 2020.

4.4. International and Regional Human Rights Monitoring Findings

UN Committee on the Rights of the Child

In its **2017 Concluding Observations on Serbia**, the UN Committee on the Rights of the Child raised significant concerns about insufficient harmonization between the CPC and the Child Justice Law regarding the questioning of child victims and witnesses, which often results in the re-victimization of child witnesses. The Committee also noticed delays in legislative

[73] Strategy for the Improvement of the Rights of Persons with Disabilities (2025-2030), Official Gazette of the Republic of Serbia, 6/2025.

[74] Action Plan for Chapter 23 – Judiciary and Fundamental Rights, available at: https://www.mpravde.gov.rs/tekst/30402/revidirani-akcioni-plan-za-poglavlje-23-i-strategija-razvoja-pravosudja-za-period-2020-2025-22072020.php.

[75] *Ibid*., Activity 3.6.2.3. According to the latest quarterly report of the Ministry of Justice, this activity is marked as partially implemented.

reforms needed to ensure child-sensitive justice and the harmful impact of lengthy court cases combined with insufficient support services for children and their families, which increase the risk of re-victimization during court proceedings.[76]

Lanzarote Committee – Council of Europe

In its thematic monitoring report "The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by self-generated sexual images and/or videos (CSGSIV)",[77] the Lanzarote Committee noted that Serbia does not collect specific data on child victims of sexual exploitation and abuse facilitated by ICTs. This information gap limits the ability to design targeted responses. The Lanzarote Committee urged Serbia to strengthen measures to assist child victims in their physical and psychosocial recovery, ensure that their views, needs and concerns are fully considered throughout the support process, and enhance legislative and practical responses to online-facilitated abuse.[78]

Group of Experts on Action against Trafficking in Human Beings – GRETA

In its **2023 Recommendations of the Committee of the Parties**,[79] GRETA called on Serbia to improve access to safe and appropriate accommodation for all trafficking victims, including children, ensure long-term, individualized support and adequately fund specialized NGOs that provide accommodation and rehabilitation services to trafficking victims.

Group of Experts on Action against Violence against Women and Domestic Violence – GREVIO

In its 2023 **Conclusions on the implementation of recommendations in respect of Serbia adopted by the Committee of the Parties to the Istanbul Convention**,[80] GREVIO emphasized the importance of safeguarding child witnesses of domestic violence by enhancing their access to support services and ensuring they can remain with the non-abusive parent, preferably in their own home. Furthermore, it stressed the need for courts to consider the harmful impact of witnessing domestic violence on children when determining custody and visitation rights, prioritizing the safety and well-being of children in the exercise of parental responsibilities.

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[76] Committee on the Rights of the Child, Concluding observations on the combined second and third periodic reports of Serbia, CRC/C/SRB/CO/2-3, 2017, paras. 66 and 67.

[77] Lanzarote Committee Implementation Report, last update 25 May 2023, available at: https://rm.coe.int/factsheet-serbia-the-protection-of-children-against-sexual-exploitatio/1680acdef1.

[78] *Ibid*, p. 5 and 20.

[79] Monitoring of the implementation of the CoE Convention on Action Against Trafficking in Human Beings, 3rd Evaluation Round, Focus: Access to justice and effective remedies for victims of trafficking in human beings, Recommendation of the Committee of the Parties, adopted 16 June 2023, available at: https://www.coe.int/en/web/anti-human-trafficking/serbia1.

[80] GREVIO Conclusions on the implementation of recommendations in respect of Serbia adopted by the Committee of the Parties to the Istanbul Convention, available at: https://rm.coe.int/conclusions-on-the-implementation-of-recommendations-in-respect-of-ser/1680ab7280.

4.5. Analysis of the Legislative and Policy Framework Against Children's Rights and Disability Rights Standards

Serbia's legal framework relevant to children with disabilities is sectorally fragmented, with provisions scattered across multiple laws governing non-discrimination, social welfare, education, health, family law and criminal justice. Although this broad coverage reflects recognition of children's rights in various sectors, there are **no explicit, child- and disability-specific guarantees** for victims and witnesses of crime. Instead, their protection is inferred from general provisions on child victims and witnesses in the Child Justice Law and from "particularly sensitive witness" construct in the CPC. This interpretative approach results in inconsistent and discretionary protection, falling short of the legal certainty and consistency required under the CRC, CRPD and the EU Victims' Rights Directive.

Institutional Mandates and Coordination

Institutional responsibilities are diffuse and weakly coordinated. There is a department within the MoLEVSA that holds the disability portfolio, but without specialization for children in criminal proceedings. Conversely, the MoJ leads on victim support, yet lacks expertise and standardized protocols for child victims with disabilities. In the absence of a clearly mandated lead institution and a formal inter-sectoral coordination mechanism that would link justice, police, social welfare, health and education sectors, cases involving child victims with disabilities usually fall into cracks between different systems, leaving the area under-regulated and largely unmonitored. Establishing a statutory focal point with clear authority, resources, cross-ministerial coordination mandate, oversight of disability- and child-specific standards, data collection and inspection is critical to close these institutional deficits.

Child Participation

Child participation is explicitly recognised in the Family Law, but not in the legislation regulating criminal procedure. The CPC and the Child Justice Law include a set of child-sensitive safeguards (e.g. supported interviewing and limits on repeated questioning), but these protection measures are not framed as a comprehensive right to be heard with due weight (Article 12 of the CRC), nor based on a mandatory, case-by-case individual assessment (Article 22 of the EU Victims' Rights Directive).

A precondition for the application of child participation is the **right of the child to information**. Serbian legislation does not clearly allocate responsibility for informing child victims and witnesses and their caregivers about rights, procedures, protective measures and remedies, nor does it require documentation confirming that accessible, age-appropriate and disability-inclusive information has been provided. This is not in line with the relevant standards. The law should explicitly guarantee the right of the child to information. Also, a formal mechanism must be introduced to document that the child and caregiver have been adequately informed, clearly indicating who provided the briefing and when. Such measures would strengthen consistency and accountability in upholding the child's right to information.

Best Interests of the Child

Similarly, the principle of the best interests of the child is not explicitly embedded in the CPC or Child Justice Law or applied systematically in criminal proceedings. It is explicitly stipulated only in the Family Law. This gap is problematic, as in criminal proceedings children are often

treated primarily as sources of evidence, with prevailing emphasis on safeguarding the rights of the accused to a fair trial. Judicial and prosecutorial training has traditionally focused on fair trial guarantees in line with the European Court of Human Rights jurisprudence, while insufficient attention has been paid to the right of child victims, and particularly child victims with disabilities. This is inconsistent with Article 3 of the CRC and General Comment No. 14 of the UN Committee on the Rights of the Child, which requires a structured, consistent and individualized best interests' assessment in all proceedings affecting children.

This imbalance underscores the need for explicit stipulation of the best interests principle into criminal justice legislation and its operationalization in practice.

Procedural Accommodations and Access to Justice

Article 13 of the CRPD obliges States to provide procedural and age-appropriate accommodations, including the provision of professional sign language interpreters, Braille, augmentative and alternative communication (AAC) and easy-to-read formats. Serbian legislation partially reflects these requirements through recognition of interpreters, translators and expert support, but these remain narrowly confined to sensory disabilities (deafness, blindness, muteness) while no systematic provision exists for children with cognitive or communication disabilities (e.g., children with intellectual disabilities, autism, or psychosocial disabilities). Furthermore, the legislation does not mandate an individualized accommodation plan or certification of communication professionals (e.g. sign language interpreters, AAC specialists) or continuity of accommodations across procedural stages. Moreover, reliance on discretion means such accommodations are neither automatic nor guaranteed across procedural stages. Consequently, compliance with Article 13 of the CRPD is insufficiently specified in law and remains overly dependent on the discretion and sensitivity of judges and prosecutors.

Questioning, Evidence and Protective Measures

The Child Justice Law introduces protections such as the possibility of conducting supported interviews, limited number of questioning and the engagement of specialised professionals. The CPC allows audio-video questioning, but it is typically used when the “particularly sensitive witness” status is designated as this status triggers a set of protection measures. In addition, this designation is discretionary and not mandatory for every child victim or witness. Protection measures tailored to disability-specific needs (e.g., lack of adapted interview techniques for children with communication impairments, adapted counselling and accessibility of shelters) are not mentioned in the legislation.

Moreover, the CPC envisages psychiatric assessment of both accused persons and witnesses, a provision that is intended to allow prosecutors or judges to assess their ability to testify accurately and reliably. In principle, psychiatric assessment should serve a protective function, ensuring that victims are not subjected to undue pressure and that their statements are evaluated with regard to their developmental and psychological context. Yet in practice, such measures can become a tool for exclusion. Instead of focusing on providing procedural accommodations, such as the use of child-friendly language and questioning techniques by specialised professionals, these psychiatric evaluations shift the burden onto the child, requiring them to “prove” their capacity to testify and therefore justify exclusion instead of

providing accommodations. This approach not only risks secondary victimisation but also conflicts with the rights-based standards enshrined in the CRC, CRPD and the International Principles and Guidelines on Access to Justice for Persons with Disabilities, all of which promote the presumption of capacity – that children with disabilities are rights-holders whose testimony must be taken seriously and supported through accommodations, rather than questioned through invasive procedures that involve a risk of secondary victimisation.

Legal Representation and Continuity

The legislation foresees appointment of legal representatives for child victims but does not guarantee continuity of the attorney from the first contact of the child with the authority through disposition, nor does it require specialized knowledge in both child rights (expect the basic mandatory training on the Child Justice Law delivered by the Judicial Academy) and disability-inclusive practice. This weakens representation and undermines the child's effective participation and equitable access to justice.

Strategic Framework and Implementation

Strategic documents, in particular the National Victims' Strategy, set useful objectives, but are programmatic rather than rights-conferring, lack binding standards and enforcement measures and demonstrate slow and uneven implementation. Monitoring is weak. With the current strategic cycle expiring at the end of 2025, progress is difficult to verify as the MoJ has published only one undated progress report.[81] The Coalition for Monitoring Children's Rights in Serbia (submission to the EU Delegation, April 2025) highlighted that child victims and witnesses of crime continue to face lengthy proceedings that are not child-friendly and gender-sensitive, limited access to clear, accessible information, inadequate and insufficient psychosocial support and under-utilisation of child-friendly premises and equipment.[82] Professionals across all sectors do not prepare child victims and witnesses for judicial proceedings as a routine practice. Child-friendly premises and audio-video equipment that were supposed to be established by the National Victims' Strategy are not universally available in Higher Public Prosecution Offices and Higher Courts, while capacity building for professionals across sectors is insufficient. Even where suitable rooms or equipment are available in certain locations, their use is not standardized and often depends on whether the child has been granted the status of a "particularly sensitive witness". Protective measures are frequently applied on a discretionary basis by prosecutors and judges, rather than systematically and consistently in all cases involving child victims. There is limited awareness among prosecutors, judges and legal representatives about the significance of conducting an individual assessment required by the EU Victims' Rights Directive. Further, the 2025 research indicates that a certain percentage of judges and prosecutors delegate complex tasks related to victim protection to judicial assistants who lack specialized training in children's rights.[83] In practice, assistants may provide basic information to the child and family or make referrals to specialised services, however, the latter often have little effect because there is almost no

[81] MoJ website, available at: https://www.mpravde.gov.rs/sr/tekst/30567/nacionalna-strategija-za-ostvarivanje-prava-zrtava-i-svedoka-krivicnih-dela-u-republici-srbiji-za-period-2020-2025-godine-19082020.php.

[82] Coalition for Monitoring Children's Rights in Serbia, *Serbia 2025 Progress Report – Written Submission to the European Commission*, April 2025 (on file with the author; unpublished).

[83] Child Rights Centre, Assessment of the System of Protection of Child Victims and Witnesses in Criminal Proceedings in Serbia - *Draft*, February 2025 (on file with the author; unpublished).

local infrastructure of specialised professionals/service providers capable of delivering sustained support to child victims.

There is a pressing need for clarification of roles and responsibilities through developing Standard Operating Procedures (SOPs) which would clarify roles across police, prosecutions, courts and CSWs, standardize practice across sectors and guarantee alignment with international standards and national legislation.

Conclusion

Serbia's legal framework acknowledges the importance of communication support through interpreters, translators and child experts, which is a step toward alignment with the CRC, CRPD and the International Principles and Guidelines on Access to Justice for Persons with Disabilities. However, these measures are narrowly conceived and fail to reflect the broader spectrum of "reasonable accommodations" required under Article 13 of the CRPD. The absence of explicit legal safeguards for child victims and witnesses with disabilities, the discretionary nature of sensitive witness status, the lack of systematic provision for accessibility tools (e.g. AAC and Easy-to-Read formats) and the absence of the best interests principle from criminal legislation collectively reveal significant gaps for children with communication and cognitive disabilities.

To achieve full alignment with the CRC and CRPD, Serbia must move beyond a standardised and sectorally fragmented approach and adopt a coherent legal and institutional frameworks that ensure tailored, disability-sensitive accommodations and guarantee child participation and best interests of the child as binding principles across all criminal justice processes.

5. Practices and Experiences in Supporting Children with Disabilities – Report Findings

5.1. Access to Information

The right of the child to access information is crucial for reducing vulnerability and ensuring meaningful participation throughout the judicial process. This right extends not only to the child but also, indirectly, to parents and guardians who must understand the nature of the proceedings, the conduct of hearings and subsequent procedural steps. Access to clear and timely information enhances the quality of testimony, mitigates secondary victimization and reduces the stress and anxiety of child victims or witnesses.

Despite broad recognition of its importance, the 2025 research[84] demonstrates that the implementation of this right in Serbia remains inconsistent, unsystematic and largely unregulated. Prosecutors reported that children and their parents are generally informed only immediately prior to a hearing, often relying on legal representatives or CSWs to provide such information. Judges confirmed a similar practice, with over half delegating this

[84] Child Rights Centre, *Assessment of the System for the Protection of Child Victims and Witnesses in Criminal Proceedings in Serbia* – Draft, February 2025 (unpublished document).

responsibility to other personnel – such as victim support focal point, court psychologist (available only in the Higher Court in Belgrade) or a judicial assistant. However, it remains unclear whether these staff members possess the specialized training required to communicate effectively with children.

CSW practitioners overwhelmingly identified themselves as responsible for preparing children during the police investigation stage, particularly by explaining the objectives of the procedure, the child's rights and their role in the process. Attorneys, by contrast, generally did not recognize themselves as having such a responsibility, viewing it as primarily the role of police and prosecution. Police officers reported that child victims and their caregivers are informed of their rights both verbally and in written form, supported by printed and online materials available at regional police administration offices. Yet, this practice does not extend consistently into later stages of the criminal justice process. Prosecutors, judges, CSW practitioners and attorneys all confirmed the lack of standardized child- and parent-friendly information materials to guide children and families through proceedings.

Interviews confirm these findings. Although child-friendly brochures and leaflets have occasionally been developed as part of certain donor-funded projects, they are rarely used in practice, are not updated and systematically distributed and are largely unavailable on institutional websites or in physical form in relevant facilities. Most importantly, these materials have not been adapted to the specific needs of children with disabilities.

Gaps are also evident in the provision of accessible information through helplines. A 2024 mapping of helplines in Serbia,[85] developed with the aim of establishing a specialised 116 006 specialised victim helpline, identified ten national helplines that provide support to victims of violence. It showed that Victimology Society of Serbia stands out as the only national service for victims of all crimes. Despite its high level of specialisation, the service remains non-standardised and unlicensed due to the absence of a legislative framework regulating victim support helplines. Existing helplines fulfil multiple functions: providing information on rights and available services, offering emotional, legal and psychosocial support and referring victims to other institutions. The report recommended that the planned national 116 006 helpline for victims be designed inclusively, with communication accessible in multiple formats (phone, text, e-mail, online chat, telecommunication devices for the deaf persons, text telephone services, Video Relay Service for people who use sign language, Braille, AAC, pictorial communication for children, etc.) and that its website comply with the Web Content Accessibility Guidelines (WCAG).[86] In addition, staff should receive training in communicating with persons with different disabilities, including the use of assistive technologies and adaptive communication methods.

Taken together, these findings illustrate that, in the absence of clear legal provisions establishing responsibility for the provision of information and support, children and their caregivers are frequently left to navigate the justice process alone, without adequate support.

[85] Establishing the 116 006 Helpline in Serbia: A Path Toward Comprehensive Victim Support – Country Report for Serbia, ASTRA, September 2024.

[86] World Wide Web Consortium (W3C), *Web Content Accessibility Guidelines (WCAG) 2.2*, W3C Recommendation, 2023.

This increases children's vulnerability, heightens anxiety and undermines children's ability to participate effectively.

Recommendations emerged from interviews and FGDs:

Addressing these gaps requires the establishment of **clear, binding mechanisms and inter-institutional protocols** to ensure that children and their families consistently receive accurate, timely and accessible information at all stages of the process. Police stations, CSWs, prosecution offices and courts should all have access to standardized, child- and parent-friendly information materials that are accessible to children with disabilities and understandable to parents with limited educational background or unfamiliarity with the justice system. These materials should be available in both printed and digital formats and integrated into the standard operating procedures of all relevant institutions.

Moreover, it is necessary to ensure **availability of specialised helplines and online information platforms** that are inclusive, accessible and connected to referral mechanisms for children and families.

5.2. Procedural Accommodations and Early Identification

Practical procedural steps have been described by the interviewees. At the police stage of the proceedings, interpreters may be appointed at the discretion of prosecutors or judges, though in practice this usually occurs only once formal proceedings have already been initiated. Parents are routinely invited to attend the questioning from the first contact with the police, unless the parents are suspected offenders, in which case the CSW is invited to assume this role. Where children are placed in residential care, staff members of those institutions are often invited to accompany the child. According to interviewees, parents, CSWs or staff of institutions often facilitate communication by rephrasing questions, clarifying responses and providing contextual support. For very young children (typically under six to seven years of age), police officers do not interview the child directly; instead, questioning is conducted through the parents or a child protection professional. However, there is no formal procedure for assessing the procedural support needs of child victims or witnesses (with disabilities). In practice, an initial assessment is done by police officers, supported by the CSWs and under prosecutorial guidance, as the prosecutor must be immediately informed of a suspected or reported offence.

Once criminal proceedings are initiated, and prior to deciding the status of a particularly sensitive witness, the prosecutor usually appoints an expert witness to assess whether it is appropriate and purposeful to question the child. The expert witness is expected to identify the child's specific needs, including whether the assistance of an interpreter for a particular type of disability is required, or whether a child protection specialist should be appointed to support the questioning itself. The type of expertise engaged varies according to the perceived needs of the child. Judicial authorities typically engage professionals affiliated with OPDs (e.g., organisations for deaf or blind persons) or appoint a child protection specialist. Cases involving children with autism have been rare, but an interviewee suggested that the Faculty of Special Education could be approached to provide a roster of experts qualified to

support communication and procedural accommodations for children with autism spectrum disorders.

This approach is applied in the absence of precise legislation and not fully in line with the requirements of the EU Victims' Rights Directive, which obliges Member States to conduct an individual assessment for every child victim to identify specific protection needs, including those linked to disability.

Moreover, there is no established practice for systematically identifying and supporting children with disabilities in judicial proceedings, nor a mechanism for monitoring whether accommodations – such as interpreters, adapted communication methods, or procedural modifications – are consistently provided and effectively used. The only relevant documentation is the daily report prepared by police officers, which records actions taken, individuals involved, and whether rights were communicated, as well as the periodic or annual control of the case files. These oversight mechanisms, however, focus largely on procedural compliance rather than the quality of support or the effectiveness of accommodations.

Recommendations emerged from interviews and FGDs:

Capacity building of professionals is essential. This includes not only police officers, prosecutors, judges and CSW professionals, but also expert witnesses, interpreters and all other professionals engaged in the proceedings. The training should cover:

- the child's right to information;
- methods of providing information in a child-sensitive and disability-inclusive manner;
- conducting individual assessments in line with the EU Victims' Rights Directive, to identify the child's procedural support needs; and
- the effective use of assistive technologies and alternative communication methods.

Beyond professional training, several additional measures are recommended:

- **Establish a national roster of qualified experts and interpreters** (including sign language interpreters, AAC specialists and professionals trained in supporting children with autism, intellectual disabilities and psychosocial disabilities). This would reduce reliance on ad hoc arrangements and ensure consistent availability of expertise.
- **Introduce a mandatory individual assessment procedure** for all child victims and witnesses, with a particular focus on children with disabilities, to identify necessary procedural accommodations and support measures.
- **Develop a monitoring and accountability mechanism** to evaluate whether information and accommodations are provided in practice, with data disaggregated by age, gender and disability status.

Taken together, these measures would not only bring Serbia's framework into closer alignment with the CRC, the CRPD and the EU Victims' Rights Directive, but also strengthen children's meaningful participation in justice processes, reduce their vulnerability and improve the overall quality and fairness of proceedings.

5.3. Legal and Social Support

Free Legal Aid and Assistance

The right to free legal aid and assistance is critical for child victims to ensure equal access to justice, protect their rights throughout legal proceedings and provide the necessary support to navigate complex judicial process. According to the CPC, a prosecutor or presiding judge shall appoint a legal representative for a victim with a status of "particularly sensitive witness". Appointment is made from a list of attorneys provided by the competent bar association for *ex officio* defense.[87] Additionally, the Law requires that, where a child victim does not have a legal representative, the president of the court appoint one from among attorneys with specialised knowledge of children's rights and the protection of child victims.[88]

In practice, however, these provisions are inconsistently applied. There is no guarantee that the lawyer would indeed be appointed or whether the same attorney would accompany the child from the earliest stage of the proceedings throughout the whole process. Instead, multiple attorneys may be appointed at different stages, undermining continuity and failing to uphold the best interests of the child.

Interviewees confirmed that free legal aid for child victims is not fully operational. The police do not engage an attorney during the initial information-gathering phase; rather, the prosecutor assumes the lead in investigation and decision-making. Parents or CSW representatives are immediately involved, but this does not substitute the right of the child to independent legal counsel, which, according to relevant standards, should be available to the child from the first contact with competent authorities.

Further concerns relate to the quality of legal representation. Judicial Academy training for attorneys is basic, insufficiently specialized and does not address the specific needs and procedural accommodations for children (or adults) with disabilities. Consequently, many attorneys lack the knowledge and skills to provide child-friendly and disability-inclusive legal representation.

The 2025 research also revealed that judges and prosecutors do not perceive legal representatives as adding significant value to proceedings in terms of safeguarding children's rights.[89] This perception likely reflects the lack of specialization and limited practical capacity of attorneys, which results in their role being seen as redundant to that of other actors. However, highly specialized attorneys, trained in child rights and child-friendly or disability-inclusive communication, could play a critical role in ensuring that proceedings are child-sensitive, inclusive of children with disabilities and compliant with relevant standards.

Psychosocial Support

[87] CPC, Art. 103 para. 3.
[88] Child Justice Law, Art. 154 para. 2.
[89] Child Rights Centre, *Assessment of the System for the Protection of Child Victims and Witnesses in Criminal Proceedings in Serbia* – Draft, February 2025 (unpublished document).

Psychosocial support delivered by child protection experts is perhaps one of the most impactful measures for ensuring the protection of child victims in judicial process and preventing secondary victimisation. Yet, this role remains weakly regulated in Serbian legislation, and its operationalization inconsistent.

The above mentioned 2025 research indicated that psychosocial support is predominantly understood in narrow terms – as the presence of a "trusted person" accompanying the child before authorities, rather than as access to structured, professional support services. In addition, prosecutors or judges rarely consider it their responsibility to refer child victims to local community-based services, such as psychosocial assistance or counselling. Many professionals reported a lack of awareness of what services exist locally, indicating a systemic gap in cross-sectoral cooperation.

Where implemented, the role of child protection experts encompasses several critical responsibilities:

- → preparing the child and parents for the hearing by explaining the procedural steps;
- → assisting during the hearing by ensuring questions are framed appropriately for the child's age and maturity;
- → providing continuous psychosocial support throughout the whole process;
- → offering structured psychosocial support after the conclusion of the process, for as long as needed.

Recommendations emerged from interviews and FGDs:

To align practice with the CRC, CRPD and EU Victims' Rights Directive, it is necessary to strictly implement the legal norms and always appoint the attorney who is specialized in children's rights and working with children as well as to establish a rule requiring the same attorney to accompany the child throughout the entirety of proceedings to ensure consistency and trust; strengthen training for attorneys, in partnership with the Judicial Academy and bar associations, on child rights, child-friendly communication and disability accommodations (sign language, AAC, Easy-to-Read); institutionalise psychosocial support by legally defining and regulating the role of child protection experts, ensuring structured psychosocial support before, during and after proceedings, with a clear referral system to community-based services.

5.4. Intermediaries and Support Persons

According to the CPC and the Child Justice Law, and in principle, children may be assisted during interviews and hearings by child protection specialists outside of the justice system, court-based victim/witness support staff and court psychologists (where available). In practice, however, such support is not routine and tends to appear only once proceedings are underway and often only where the child has been designated a "particularly sensitive witness". Facilities that would enable adapted procedures – such as child-friendly rooms or audio-video link) are unevenly available and, even where present, used at the discretion of prosecutors and judges.

According to interviewees, for children with communication difficulties and disabilities, prosecutors or judges usually appoint court expert witnesses (e.g. child psychologists and

psychiatrists) to advise on the child's ability to testify and on adaptations. They play a critical role in assessing the child's psychological and emotional state, ability to testify, memory, cognitive development and potential trauma effects. They can also assist in conducting child-sensitive interviews and help courts determine if a child's testimony is reliable and if any external factors affect their ability to testify. They also provide expert testimony in court, explaining psychological, emotional and developmental factors affecting the child's statements and behaviour. The prosecutor/judge may also bring in interpreters (e.g. sign language) as needed, but this remains *ad hoc* rather than systematically guaranteed from the first contact.

Training and provision are similarly fragmented. Court-engaged expert witnesses must be registered with the MoJ,[90] and some courts rely on victim support services. The Strategy opens space for delegation of tasks to judicial assistants, which is not an adequate solution as they lack trauma-informed, child-sensitive or disability-inclusive communication and training.

Where intermediaries/support persons are provided through prosecution/courts, their services are at no cost to the child – fees for court-appointed experts/interpreters are treated as procedural costs.

Information about the right to be accompanied by a support person is not systematically communicated to children or caregivers, and child/parent-friendly materials are rarely available, particularly in accessible formats for children with disabilities. The presence of a support person is generally subject to judicial/prosecutorial discretion (e.g., conflict of interest when a parent is a suspect or concerns about influencing testimony) and there is no clear, uniform rule set. Reports do not indicate formal pressure on children to accept a support person against their will, but in practice the child's preference is not consistently elicited or recorded, and appointments may proceed without a documented, informed choice.

Recommendations emerged from interviews and FGDs:

To address this situation, the Judicial Academy, together with the Republic Institute for Social Protection and other relevant institutions such as the Institute for Mental Health, OPDs and other CSOs, should embed mandatory, practice-oriented training on child-friendly and disability-inclusive communication for prosecutors, judges, police, attorneys, CSW practitioners, expert witnesses and other experts that may participate in the proceedings.

5.5. Right to Participation in General

Findings from the 2025 research[91] suggest that, across sectors, children's presence and participation are understood narrowly and operationalised inconsistently. Engagement with the child before questioning is minimal and often limited to logistical choices (e.g., where the interview will occur), rather than a meaningful process that equips the child to understand their role, the method of questioning, available safeguards and possible outcomes. In

[90] Law on Court Expert Witnesses, Official Gazette of the Republic of Serbia, No. 44/2010.
[91] Child Rights Centre, *Assessment of the System for the Protection of Child Victims and Witnesses in Criminal Proceedings in Serbia* – Draft, February 2025 (unpublished document).

practice, participation frequently depends on discretionary rulings (e.g., granting "particularly sensitive witness" status) and on the uneven availability and use of child-friendly spaces, audio-video links and specialist support.

For children with disabilities, adaptations (sign-language interpretation, Easy-to-Read materials, AAC, scheduled breaks, or the presence of a trained intermediary) are not systematically assessed or guaranteed from first contact. For children with physical disabilities, transportation and building access (beyond ramps/lifts) can limit in-person participation, while for sensory disabilities, shortages of trained professionals, captioning, or tactile/visual supports impede comprehension; for intellectual or psychosocial disabilities, complex legal language, the absence of AAC and Easy-to-Read materials and a lack of predictable, trauma-informed routines undermine effective engagement.

5.6. Right to be Heard and to Express Views

Across sectors, consultation with children on how they wish to be heard is generally narrow and *ad hoc*. In most cases, engagement before questioning is confined to logistics (e.g., time/place), rather than a structured elicitation of the child's preferred mode of participation (in-person with a support person, via audio-video link, or through adapted questioning).

According to interviewees, disability-related needs are not systematically assessed and the child's own preference is seldom documented in the case file. Consequently, the obligation to give the child's views due weight is inconsistently operationalised. Options for expressing views beyond oral testimony, such as written statements, drawings, play-based or narrative techniques, or pre-recorded/remote testimony, are available sporadically and typically depend on whether "particularly sensitive witness" status is granted and on local capacity.

The 2025 research[92] shows that most professionals acknowledge the child's right to decide whether to testify. Prosecutors reported that when a child is unwilling to testify, they typically confer with parents, directly or via the CSW, and explore alternatives such as conducting the hearing outside the prosecution office/court. They also stressed that children should not be pressured, though they noted that once a case reaches the prosecution stage, withdrawing the child as a witness is uncommon. Judges gave mixed responses: most said they would consult the child's legal representative and child protection professionals and consider alternative locations or rely on other evidence. However, three judges indicated they would issue compulsion orders and one would fine parents – approaches that are at odds with the child's justice standards. Among attorneys, all but one affirmed the child's right to refuse, one highlighted that preparation and reassurance by child-protection specialists often leads to the child agreeing to testify, while one attorney referenced coercive measures, including detention, which is likewise inconsistent with international norms. Police officers uniformly recognised the child's right not to testify and reported responses such as postponing interviews, engaging child-protection professionals and relying on other witnesses or material evidence.

[92] Child Rights Centre, *Assessment of the System for the Protection of Child Victims and Witnesses in Criminal Proceedings in Serbia* – Draft, February 2025 (unpublished document).

Recommendations emerged from interviews and FGDs:

For children with disabilities, these participation choices must be made meaningful through accessible information and communication (e.g., sign-language interpretation, AAC, Easy-to-Read and visual supports) and, where appropriate, remote modalities with integrated accommodations.

CASE STUDY:

Before a judge, preparatory proceedings were instituted for the criminal offence of violent behaviour against a girl residing in a residential institution for children without parental care. The girl has epilepsy. In addition to seizures, she occasionally experiences periods of marked agitation during which she becomes aggressive.

The girls who are victims are also residents of the same institution. The case file notes that one 16-year-old girl has a severe cleft lip and palate and speaks very indistinctly. Another girl (17) has autism with reduced intellectual functioning and exhibits panic anxiety if required to leave her familiar environment. Although she sustained minor injuries, she was not taken to a doctor. Assistance was provided by the on-duty nurse and the emergency service was only consulted by phone.

Two other girls (15 and 16), who are witnesses, have no health problems but were placed in care due to neglect and being forced to beg in the streets by their parents. All of the children are under the immediate guardianship of the competent CSW.

Following consultations between the presiding judge and the representative of the court support service (court psychologist), it was assessed that taking a statement from the girl with autism would constitute direct secondary victimisation and it was therefore decided not to examine her. It was concluded that all other participants in the event (the girl against whom proceedings are being conducted, the girl victim and the witnesses) should be heard with the assistance of the support service psychologist and the psychologist from the residential home. The presence of the guardian is mandatory. As regards the girl against whom the proceedings are being conducted, a psychological-psychiatric expert examination was ordered to determine the extent to which her behaviour was determined by epilepsy. It was agreed that the girl victim with a speech disorder would be examined with the assistance of a specialist, so that her right to participate in the criminal proceedings would not be curtailed due to her speech impairment, while the other witnesses should be heard by the support service psychologist, in the presence of an educator or psychologist from the residential institution.

This preliminary plan was presented by the support service representative to the psychologist of the institution. It was assessed that the plan is in the best interests of children in the case. The girl with the speech disorder will be accompanied by her educator during questioning. It was agreed that the residential institution would provide additional medical documentation for the children so that the judge could state the reasons for these procedural arrangements in the decision's reasoning.

5.7. Legal Capacity and Supported Decision-Making

According to the legislation, children with disabilities are treated as rights-holders on an equal basis with other children, with participation calibrated to their evolving capacities rather than limited by diagnosis. In practice, however, the system still tolerates language and practices that risk curtailing legal participation, as expert opinions may refer to "mental/cognitive incapacity" and the CPC allows psychiatric assessment to test a witness's ability to testify.

Recommendations emerged from interviews and FGDs:

Consistent with relevant standards, any assessment should start with a presumption of capacity and be strictly functional and task-specific. It should identify what the child needs to participate (plain-language/Easy-to-Read explanations, AAC or sign-language interpretation, visual schedules, breaks, a trained intermediary, adapted questioning) and translate those findings into a written support plan for police, prosecutors, courts and CSWs. The child's will and preferences should be recorded, given due weight in light of age, disability and maturity, and any departure must be reasoned. To operationalise supported decision-making, authorities should prohibit the use of generic "incapacity" labels to exclude testimony, require assessments to recommend concrete accommodations and train experts to frame conclusions in terms of enhancing autonomy and participation, not restricting rights.[93]

5.8. Environment and Communication

Across judicial institutions, the physical environment remains uneven. The 2025 research[94] has shown that a clear majority of prosecutors (62.5%) report having no adapted space or separate waiting room for child victims and witnesses, and only 4% have both; among the minority with adapted space (28.1%), over 90% say it is accessible to children with disabilities. Fewer than one-third of judges have adapted rooms, fewer than one in five have separate waiting areas, and only one in five have ever held a hearing outside the courthouse. Attorneys, by contrast, regularly or sometimes request separate rooms or off-site testimony in 77% of cases and generally receive a positive response, though adaptation for disability is inconsistent.

Protective measures most commonly rely on scheduling physical routing (e.g., staff entrances – reported by 58%; removing the accused before the child enters – 28.5%). Still, questioning overwhelmingly occurs inside courts or prosecution offices. Only 14% of judges take statements in a location chosen by the child, none of the prosecutors do and decision-making about venue sits primarily with prosecutors/judges, while CSWs report that a child's preference is considered only "when conditions allow".

Remote participation is technically possible in some higher courts/prosecutors' offices but use is sporadic and hampered by patchy equipment, lack of SOPs, and limited staff training. Even where audio-video tools exist (roughly half of the interviewed judges have access to this equipment), they are typically reserved for children granted a "particularly sensitive victim"

[93] EDF recommendations on the EU Strategy on Victims' Rights (2020-2024), 2020.

[94] Child Rights Centre, *Assessment of the System for the Protection of Child Victims and Witnesses in Criminal Proceedings in Serbia* – Draft, February 2025 (unpublished document).

status and viewed as supplementary rather than a substitute for live testimony. To meet relevant standards, any choice of environment should follow an individual assessment, be recorded in the file, with explicit protocols for confidentiality and the child's informed consent to the chosen format.

Communication accessibility is likewise inconsistent. While courts can appoint interpreters and expert facilitators, child- and parent-friendly materials remain scarce and are not systematically provided at each stage. Proceedings often rely on standard legal language and there is no routine practice of tailoring vocabulary to the child's developmental level or disability, nor of verifying comprehension at intervals. In effect, many children, especially those with sensory, intellectual, or psychosocial disabilities, face a double barrier: intimidating settings and inaccessible communication.

Recommendations emerged from interviews and FGDs:

Aligning practice with international standards requires normalising accessible language, multi-modal communication and periodic comprehension checks as standard courtroom practice, and not exceptional measures, so that every child can be present and participate on an equal basis with others.

5.9. Evidence and Interviewing Practices

With respect to interviewing, prosecutors and judges are not trained on trauma-informed and disability-inclusive approaches, while professionals trained specifically to work with children with disabilities are not routinely involved from first contact, and support is often ad hoc (e.g., an expert witness or interpreter appointed once proceedings are underway). Use of video/audio recording is uneven and frequently contingent on a discretionary "vulnerable/particularly sensitive witness" designation. Audio-video capacity exists in only part of the system and is often treated as supplementary rather than a substitute for live testimony, which undermines the purpose of minimising repeated questioning.

Although the Child Justice Law provides for limits on the number of interviews, inconsistent reliance on recorded forensic interviews means children can still be re-interviewed in court. To meet international standards, interviewing should be led by trained, certified specialists. For instance, a single, well-conducted, recorded forensic interview should be the default evidence base, sessions should be time-limited with scheduled breaks and accommodations (AAC, sign language, visual scaffolding) should be planned and documented through an individual assessment at the outset.

Recommendations emerged from interviews and FGDs:

Confrontation is also, in principle, addressed by the Child Justice Law, but direct exposure is still possible when questioning occurs inside courts and prosecution offices and when audio-video link options are not engaged. In line with child-sensitive justice standards, confrontation with the alleged perpetrator should be avoided by default and permitted only where the child expressly requests it after receiving accessible information and with a reasoned judicial decision on best interests. Where technology is available, testimony should be taken via live

link, with real-time interpretation/captioning, as needed. Where it is not, hearings should be relocated to a child-friendly setting rather than proceed without adaptations.

5.10. Training of Professionals

At present, training on disability rights and on working effectively with children with disabilities is not mandatory across the justice chain and almost non-existent. Judicial Academy offers a mandatory training on Child Justice Law which remains basic and largely generic. It is obligatory for police officers, deputy prosecutors, judges and attorneys who work in the proceedings concerning child offenders and victims. There are no multi-sectoral capacity building options available, apart from some sporadic opportunities offered by CSOs, funded by specific donor projects. Court expert witnesses and interpreters do not receive nor are they obliged to attend any specific training on justice for children. Certainly, they are experts in their own areas, such as child psychology, child psychiatry or other. Current curricula do not systematize any practical skills such as using Easy-to-Read materials, AAC, sign language interpretation, visual scaffolding, or conducting and relying on a single recorded forensic interview. Even law schools do not have modules on the rights of children, nor specifically on the rights of children with disabilities.

Recommendations emerged from interviews and FGDs:

A national, accredited curriculum should correct this. Training needs to be regular, mandatory and tiered – an initial certification at induction, followed by periodic refreshers (e.g., every two years) linked to professional licensing or appraisal for police officers, prosecutors, judges, attorneys, CSW practitioners, court staff, expert witnesses and interpreters. Content should move beyond theory to hands-on competencies: adapting language to developmental level, planning and documenting individualized accommodations, conducting disability-inclusive interviews, using AV/remote modalities properly, preventing secondary victimization and verifying a child's understanding at intervals. Delivery should combine e-learning, in-person simulation (role-plays, moot-court exercises), and supervised practice, with clear learning outcomes and assessment (pre/post tests, observed structured evaluations, case-file audits).

OPDs, including children and young adults with lived experience, with robust safeguarding in place, should participate in the process of co-designing modules, co-delivering training segments and co-evaluate impact. Their participation guarantees relevance and keeps the focus on practical accommodations. The system should maintain national rosters of certified intermediaries, interpreters (including sign language) and child-protection specialists with disability-inclusive skills, and make their engagement free at the point of use (treating costs as procedural). Monitoring should track not just attendance, but whether training changes practice: fewer repeated interviews, greater use of accessible formats, more recorded forensic interviews accepted as evidence and documented elicitation of the child's preferences.

6. Intersectionality and Multiple Discrimination

Disability intersects with gender, ethnicity, language, poverty, rural residence, migration status and placement in residential care, producing layered barriers at each stage. Even

through Serbia does not have sophisticated data collection system, this issue has been recognized by the participants. A Roma girl with a hearing impairment, for example, may face stigma related to both ethnicity and disability, limited access to interpreters in both sign and minority languages, and transport/financial obstacles that make participation difficult. A boy with an intellectual disability living in a remote area may meet inaccessible buildings, complex legal language and the absence of an intermediary, while his family's low income magnifies each hurdle (time off work, travel costs, lack of legal knowledge, low literacy, no free legal aid provided etc.) These compounded disadvantages are amplified by current systemic features already identified: adult-centric environments, discretionary rather than guaranteed accommodations, scarce child-friendly materials, lack of knowledge of standards on rights of children and persons with disability, and uneven availability of judicial institutions equipped by audio-video links.

There are also gendered patterns within this intersection. Girls with disabilities are at heightened risk of sexual and domestic violence, yet they are less likely to receive trauma-informed preparation, privacy safeguards, or female interviewers/intermediaries, while stigma and fear of retaliation inside families, communities or institutions deter reporting. Boys with disabilities often face stereotypes that minimise their victimisation (especially for sexual offences) and may be channeled toward confrontational settings that suppress disclosure. Gender-diverse children with disabilities encounter additional bias, misgendering and privacy breaches, with limited availability of dignified facilities, safe reporting channels, or trained staff. Across groups, children from minority communities and those in residential care or street-connected situations are more frequently processed without interpreters, AAC, easy-to-read materials, or remote options.

Measures addressing intersectionality are not planned or targeted and remain largely generic. Some prosecutors or judges make accommodations for separate entrances, appoint interpreters and intermediaries, or arrange for the hearing through audio-video links, however, these are not systematically triggered by an individual assessment that captures all relevant factors, such as disability type, gender, language/ethnicity, family background, socio-economic status etc.)

Recommendations emerged from interviews and FGDs:

To make processes genuinely accessible and empowering, accommodations should be guaranteed early, at the first contact with authorities, and recorded in the case file. Training should be mandatory and co-designed with OPDs and minority mediators, with modules on implicit bias and gender/ethnicity-disability dynamics. Finally, institutions should monitor and publish disaggregated data (age, sex/gender, disability, ethnicity/language, location, placement) on accommodations provided and outcomes, so intersectional gaps are visible and can be corrected, not just acknowledged for isolated research purposes.

7. Recommendations

Serbia has already taken meaningful steps to establish child-sensitive justice in law and policy. The CPC and the Child Justice Law provide an important legal basis for protection measures for child victims and witnesses and court-based support services have been established in some higher courts – although with limited coverage, uneven capacity and without systematically employing specialized professionals. Professionals across sectors largely acknowledge the importance of preventing secondary victimization of victims and sensitive witnesses. These are important assets and an indication that a baseline of practice exists and can be further built upon to achieve full alignment with international and regional standards.

At the same time, there is a substantial and systemic risk that crimes against children with disabilities remain underreported. Administrative data almost certainly underestimate the true prevalence of violence, especially for children with complex disabilities living in closed settings. Barriers include inaccessible and speech-dependent reporting channels, reliance on adult "gatekeepers" who may be implicated or conflicted, fear of retaliation or disbelief, stigma and professionals' limited capacity to recognize signs of abuse in children with communication, intellectual or psychosocial disabilities. Institutional settings amplify these risks through power imbalances, social isolation, restricted external contact and provider-controlled records, which together suppress disclosure and impede independent detection. As a result, the number of victims – particularly among children with intellectual and communication disabilities, autism, or multiple impairments in closed settings – may be considerably higher than recorded data indicate. What must be improved is the operating model: from discretionary and at a later stage in the proceedings to guaranteed rights, early identification and prompt intervention and reaction.

First, the **individual assessment** required by the EU Victims' Rights Directive must be established as a **mandatory legal obligation at first contact** for every child victim or witness, without exception. This assessment must be disability-inclusive and designed to determine concrete procedural accommodations (such as AAC, Easy-to-Read, sign language, visual supports, intermediary, breaks, audio-video or remote testimony) and to document the child's informed preferences.

Children must be proactively informed about their rights and available legal remedies through child-friendly information available to the general public in a large variety of accessible formats (Easy-to-Read, pictograms, Braille, sign language and audio-visual formats), both in physical form in relevant facilities and on official institutional websites. They must also be empowered to recognise an act that constitutes a criminal offence, including in situations of coercion, neglect or institutional abuse.

Second, **continuity of support** must be guaranteed throughout proceedings. The same attorney and, where appointed, the same intermediary should accompany the child from first contact through all stages of the proceedings. Fragmented engagement by multiple professionals, even when well-intentioned, can inadvertently cause stress and risk secondary victimisation. Continuity should therefore be a procedural rule, not a discretionary practice.

Third, **accessible communication and settings** need to be introduced as a standards practice, rather than exceptional measures. This requires integrating multi-format child- and parent-friendly materials at each procedural stage, adopting clear, simplified and respectful language

with periodic comprehension checks and issuing clear SOPs for remote hearings. Decisions on the setting and modality of hearings should be based on individual assessment and documented in the case file. To support implementation, minimum infrastructure standards, such as child-friendly interview rooms, separate waiting areas, functioning audio-video equipment, captioning and assistive technologies, must be defined, budgeted for and rolled out according to a clear national plan.

Fourth, **mandatory, practice-oriented, disability-inclusive training** must be introduced for all professionals involved in proceedings, across justice, social welfare, police, health and mental health sectors. These trainings should be both sector-specific and multi-sectoral focusing on applied skills rather than abstract principles. In parallel, national rosters of certified intermediaries, interpreters (including sign language) and experts trained in autism-informed and AAC practices must be established and made readily available. The most optimal solution is to have **a single, well-conducted, recorded forensic interview at the earliest stage** of the proceedings, carried out by trained specialists and used as the default evidentiary basis, thereby minimising repeated questioning and preventing secondary victimisation.

Fifth, all victim **support services must be fully accessible to children with disabilities**, including in rural and remote areas. Access must be free of charge and include inclusive psychosocial recovery programmes delivered as close as possible to the child's community, focusing on mental health, wellbeing, self-esteem, dignity and autonomy of the individual. Referral pathways to such services should be automatic and not dependent on professional's discretion.

Sixth, the rights framework needs to be strengthened, by embedding the **child participation and the best interests principles** explicitly in criminal justice legislation and criminal procedures, re-orienting assessments toward supported decision-making and a clear presumption of legal capacity. Monitoring and accountability mechanisms must be established to track provision and quality of accommodations, using data disaggregated by age, sex and disability, and link the results to management oversight. The law should explicitly guarantee the right of the child to information and a formal mechanism should be introduced to document that the child and caregiver have been adequately informed, clearly indicating who provided the briefing and when. Legislation/SOPs should allocate responsibility for providing information and preparation at each stage (police-prosecution-court), require delivery from the first contact and not only before hearings and mandate a brief, standardised record in the case file.

Finally, to **address under-reporting and hidden victimisation**, mechanisms must be in place to identify victims of crime, especially in residential institutions, day-care centres for children with disabilities and family settings. A shift is needed from a complaint-led model to an active detection of violence incidents. Every child in an institution should have a documented "communication passport" describing preferred communication methods, vocabulary, signs, behaviours, and guaranteed access to independent advocates who can be reached out or who conduct regular visits and raise concerns on the child's behalf.

Reporting channels must be accessible without reliance on speech and physical presence, including pictogram-based, Easy-to-Read forms, SMS or chat options and AAC-enabled tools,.

Existing helplines must be fully accessible and integrated into referral pathways, supported by a legislative and licensing framework establishing minimum service standards, safeguarding obligations, data protection and accessibility requirements. Oversight must include regular and unannounced inspections by the Ombudsperson/National Preventive Mechanism and independent CSO monitors, as well as secure whistle-blower channels for staff and peers. Even though mandatory reporting exists in the legislation, enforcement must be strengthened through clear penalties for non-compliance and standardised injury and incident documentation. All state institutions should be required to collect and publish disaggregated data by age, sex, disability and placement. Finally, training to recognise non-verbal indicators of abuse and to use AAC and sign language must be introduced in all sectors for professionals who have direct contact with children so that concerns are identified early and converted into timely referrals to protection and prosecution mechanisms.

8. Conclusion

Serbia does not need to reinvent its justice system to meet its international and regional obligations relevant to child-sensitive justice. Rather, the challenge is operational. There is a need to convert a framework of good intentions of sensitive professionals and selective practice into a system that reliably delivers accessible and effective justice for every child, including for every child with disabilities. The evidence is clear that current protections work – when they are actually applied. What remains is to ensure that they are used every time, from the first contact of the child until final disposition.

Achieving that shift is less about inventing new instruments and more about institutional discipline and capacity building. International and regional obligations already point towards the importance of early and individualized assessment and planning, communication that a child can actually understand and use, competent professionals who are present when needed and environments that reduce harm and prevent secondary victimization. The task before institutions is to embed these expectations as routines – not exceptional accommodations, so that entitlements replace discretion and children are treated as rights-holders with evolving capacities, not as procedural afterthoughts.

Sustaining this change requires governance, not only guidance. Data that are disaggregated and publicly reported, budget lines that match legal promises, clear responsibilities across justice and social sectors and independent oversight that looks at quality, not only compliance, are the levers that can turn standards into practice. Equally, capacity building must be continuous and co-designed with OPDs and children themselves, so that expertise grows with the system rather than around it.

By institutionalising early assessment, accessible communication, competent support and meaningful participation, Serbia can make accessibility the rule rather than the exception. If these measures are adopted, Serbia can convert an already developed legal framework into reliable practice at scale – one that is accessible, empowering and genuinely inclusive for children with disabilities, at the same time preserving the integrity of the justice process.