



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **Combined fourth and fifth periodic reports submitted by Serbia under article 44 of the Convention, due in 2022<sup>\*</sup>, <sup>\*\*</sup>**

[Date received: 30 May 2022]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document may be accessed from the web page of the Committee.



## Abbreviations

AP	Vojvodina- Autonomous Province Vojvodina
AP KiM	Autonomous Province of Kosovo and Metohija
KKiM	The Office for Kosovo and Metohija
RS	Republic of Serbia
CSO	Civil Society organizations
MCI	Ministry of Culture and Information
MHMRSD	Ministry of Human and Minority Rights and Social Dialogue
MFCĐ	Ministry of Family Care and Demography
MCV	Ministry for the Care of the Village
MYS	Ministry of Youth and Sports
MIA	Ministry of Interior Affairs
MJ	Ministry of Justice
MTT	Ministry of Trade, Tourism, and Telecommunications
MESTĐ	Ministry of Education, Science and Technological Development
MLEVSA	Ministry of Labour, Employment, Veteran and Social Policy
MSALSG	Ministry of State Administration and Local Self-Government
MH	Ministry of Health
NMHR	Council for Monitoring the Implementation of the Recommendations of the UN Human Rights Mechanisms

## I. Introduction

1. In accordance with the obligations committed to with the ratification of the Convention on the Rights of the Child,<sup>1</sup> The Republic of Serbia as a State Party, according to Article 44 of the Convention, submits to the Committee on the Rights of the Child (CRC) the Fourth and Fifth Periodic Report on the Implementation of the CRC for the period from 2017 to the end of 2021.
2. The report consists of two parts: The first part examines the implementation of the CRC and the Optional Protocols and the responses to the recommendations CRC/C/SRB/CO/2-3 of 17 February 2017, and the second part consists of annexes (the first annex contains a plan to implement the recommendations of CRC the second annex contains information provided by civil society organizations, and the third annex contains statistics and other data accompanying).
3. Although the Autonomous Province of Kosovo and Metohija is an integral part of the RS, as confirmed by UN Security Council Resolution 1244, the competent authorities of the RS are unable to implement the Convention on the Rights of the Child and monitor its implementation in this part of its territory, bearing in mind that the management of the Province, on the basis of the mentioned resolution, has been entrusted to the UN Interim Administrative Mission in Kosovo (UNMIK). Therefore, data on the implementation of CRC are not exhaustive. RS invites CRC to request information on the implementation of CRC in this part of the territory of the RS from the UNMIK.
4. In the process of the coordination and preparation of the report, NMHR played an important role. Within the work of the NMHR, a thematic group was formed, which provided expert and advisory support to the formal working group for the drafting of the report. The formal working group was formed by the MHMRSD, and includes representatives of the National Assembly, and of republic and provincial bodies and institutions, as well as representatives of relevant independent bodies (Ombudsman, Commissioner for Information of Public Importance and Protection of Personal Data, Commissioner for the Protection of Equality and Regulatory Body for Electronic Media), Platforms of Organizations for Cooperation with UN Mechanisms, the Coalition for Monitoring the Rights of the Child, the Network of Children's Organizations of IDEAS and Praxis. The report also consulted children from the Children's Information and Cultural Service (DX), which operates as an association of teenagers within the Centre for the Rights of the Child. The process of monitoring the implementation of the recommendations has been supported from the very beginning by UNICEF, the UN Human Rights Team, and the OSCE.
5. The draft report was presented at the session of NMHR on May 16, 2022, which in addition to its members was attended by children, CSO and independent bodies, and which is available to the public on the website of MHMRSD.<sup>2</sup>
6. For the first time RS has prepared this periodic report on the basis of the developed Plan for Monitoring the Implementation of the CRC Recommendations. This model of work shall be utilized for the preparation of all other periodic reports for the United Nations as an example of good practice and the multisectoral cooperation of all relevant actors in monitoring the implementation of recommendations in the field of human rights. Out of a total of 41 recommendations of Plan led by the NMHR recognizes that 4 recommendations have been fully implemented, two – implemented continuously, 3 -have not been implemented and 32 are in the phase of implementation, due to some of the processes being continuous or some of the indicators not being fully realized (more details in Annex I).

<sup>1</sup> "Official Gazette SFRY-International Agreements," No. 15/90  
www.minljmpdd.gov.rs.

<i>Status of recommendations</i>	<i>The numbers of the recommendations by status as indicated in the paragraph – Concluding Observations of the CRC</i>
Realized	27; 72 ;75 and 76
Continuously being implemented	33 and 35
In the process of realization	5; 7; 11; 13; 15; 17; 19; 21; 23; 25; 29; 31; 37; 40; 44; 46; 48; 50; 52; 53; 55; 57; 59; 61; 63; 65; 67; 69; 71; 77 and 78.
Not realized	9; 42 and 73

Source: Plan for Implementation UN Recommendations

<https://www.minljmpdd.gov.rs/savet-za-pracenje-un-preporuka.php>.

7. The reporting period was marked by the COVID-19 virus pandemic, which affected, as it did across the world, the realization of human rights in Serbia, including the rights of the child. The state is making efforts to maintain the continuity of services in the field of health, education, and social protection of children, with special attention to reducing the negative effects of the pandemic on children with disabilities, children living in residential institutions, in Roma settlements, children living in poverty, and children displaced by conflict.

### **Follow-up information on the concluding observations (CRC/C/SRB/CO/2-3)**

## **II. General implementation measures (Articles 4, 41, 42 and 44, paragraph 6)**

### **A. Articles 4 and 41 of the Convention**

#### **Information relating to paragraph 7**

8. The progress of social, political, and economic reforms in the process of its joining the European Union has continued. During the reporting period, numerous strategic documents were adopted and laws were ratified and amended, which were influential in advancing the rights of the child (more detailed information in Annex III).

9. The Protector of Citizens stated that the establishment of a new institution, which would also deal with the protection, promotion, and monitoring of children's rights, would not improve the rights of the child. The Law on the Protector of Citizens, which was adopted in 2021, stipulates that the Protector of Citizens has the position of a special body that protects, promotes, and promotes the rights of the child. The law envisages the allocation of special funds within the financial plan of the institution, which emphasizes independence in the work of the institution.

10. The draft Law on the Rights of the Child and the Protector of the Rights of the Child was drafted in 2018. The draft passed the phase of public debate and was harmonized with the opinions issued by other relevant bodies and organizations, as well as with the standards of international law that Serbia has accepted, while respecting the specific circumstances arising from the country's legal and cultural context. The adoption of the law was included by the competent ministry in the work plan of the Government for 2022.

11. The Law on the Manner of Determining the Maximum Number of Employees in the Public Sector<sup>3</sup> was in force until December 31, 2019. With the termination of the application of this law, the application of its corresponding bylaws also ceased.

<sup>3</sup> "Official Gazette of RS" No 68/2015,81/16-US, and 95/18.

## **B. Comprehensive policy and strategy**

### **Information relating to paragraph 9**

12. Although no new National Action Plan for Children has been adopted, numerous activities are being undertaken to protect the rights of the child in particular areas and within the framework of intersectoral activities, in cooperation with CSO. Thus, in February 2022, the General Protocol for the Protection of Children from Violence was adopted. In cooperation with UNICEF in Serbia, activities were undertaken to protect children from child marriage, and, in cooperation with the ILO, to protect children from child abuse and other violations. In drafting the new action plan for children, CSO will be consulted.

## **C. Coordination**

### **Information relating to paragraph 11**

13. The Council for the Rights of the Child, in accordance with the new competencies, is currently provided with professional and administrative-technical support by the MFCD. However, this support is insufficient to enable the Council to fully and effectively coordinate its role in the promotion, prevention, and protection of children's rights and to systematically monitor the adoption and implementation of policies and recommendations of CRC of the National Assembly on regulations relevant to children. For the Council to adequately meet its obligations, additional human, technical, and financial resources need to be provided. Until the systematic solution of this issue, it is planned that UNICEF will provide technical support to the Council in the coming period, about which the Council in the current convocation was informed. The Council held 10 sessions in the reporting period. Special attention was paid to issues of child labour and digital violence. All information on the work of the Council is available on the website of this body.<sup>4</sup>

## **D. Independent oversight**

### **Information relating to paragraph 17**

14. The Protector of Citizens, in the performance of his/her duties as the National Mechanism for the Prevention of Torture (NPM), cooperates with associations whose goal, according to the statute, is the promotion and protection of human rights and freedoms, in accordance with the law. Relevant civil society organizations are selected following a public call and serve alongside selected members of the NPM.

15. The new Law on the Protector of Citizens<sup>5</sup> stipulates that the Protector of Citizens shall appoint a deputy who is invested with monitoring the rights of the child and who thus gains greater independence within the work of the institution. The law explicitly prescribes that a child can independently submit a complaint to the Protector of Citizens, as well as that the child's complaint will not be rejected, while the obligation to provide professional assistance to the child in drafting a complaint is prescribed. According to the current Rulebook on Internal Organization and Systematization of Workplaces in the Professional Service of the Protector of Citizens, the Sector for Protection of Children's Rights, Gender Equality and Rights of Persons with Disabilities is to employ nine people, five of whom whose work focus on exercising, protecting, and promoting children's rights. The new law will additionally strengthen the human and financial capacities of the Protector of Citizens, improve the efficiency of the work of this body, and raise the protection of the rights of the child to a higher level. The professional service of this state body is located in the same temporary premises, which, in the opinion of the Protector of Citizens, does not sufficiently enable the efficient organization of work, in terms of its capacity and in regard to the number of employees situated at this space. The Protector of Citizens has repeatedly pointed out to

<sup>4</sup> [www.savetzapravadeteta.gov.rs](http://www.savetzapravadeteta.gov.rs).

<sup>5</sup> "Official Gazette of RS" No.105/21.

the competent authorities the need to provide adequate premises for the permanent accommodation of the institution.

16. The Panel of Young Advisors is a body that has served an advisory role to the Protector of Citizens for 12 years. It is comprised of 30 children aged 13 to 17 elected in compliance with the principles of territorial representation, gender equality, and the participation of children from vulnerable groups. Funds for the activities of the Panel of Young Advisors are planned and projected in the budget of the Protector of Citizens.

17. In the Autonomous Province of Vojvodina, independent supervision over the protection of the rights of the child is performed by the Deputy Provincial Ombudsman. Local ombudsmen operate within local self-government units and their responsibilities are similar to those of the republic and provincial Protector of Citizens / ombudsman.

## **E. Allocation of funds**

### **Information relating to paragraph 13**

18. The financing of activities in the field of exercising the rights of the child is achieved through funds from the republic budget, the budget of territorial autonomy, and the budget of local self-government units, alongside funds from donations, loans, and other sources.

19. Although the program budget was established in 2014, in practice there is still a severe lack of uniformity in the manner by which data on special allocations for children is presented, which makes it difficult to monitor and analyse. The competent state bodies and institutions agree with the assessments of civil society organizations that it is currently possible to only partially monitor the allocation of funds directed to the needs of children. In order for improvements to be made in this area, it is intended that a multisectoral approach be adopted with the goal of conducting a thorough analysis of the allocation and efficient use of resources, following the example of gender responsive budgeting, which has already been introduced in the country.

20. At the national level, a program of family law protection is in place, and at the local level a program activity – support to children and families with children, while at both levels there is the program activity of education. 5% of gross domestic product (GDP) and about 17% of the national budget is allocated annually to education. Almost all departments at the national, provincial, and local levels support the projects of this association within their public competitions. A number of projects are related to achieving goals in the field of children's rights.

## **F. Data Collection**

### **Information relating to paragraph 15**

21. Data collection on children is conducted utilizing different sources; ministries have their own data collection systems depending on the competencies, while data are also collected by other institutions within defined areas of work.

22. Of particular importance in the processing of data is the Statistical Office (SORS), which regularly publishes publications, studies, and analyses. In the field of social protection, data are collected and processed by the Republic Institute for Social Protection.

23. The Social Card Registry started operating in March 2022 in accordance with the Law on the Social Card (2021). This Register will enable an overview of the social and material position of users, and a necessary condition for this is the collection and use of data that will enable the determination of such status from all available sources of state administration. The social map register will also enable geo-referencing for vulnerable groups.

24. In the field of education, a single education information system (JISP – jedinstveni informacioni sistem prosvete) has been established, as well as a unique educational number (JOB – jedinstveni obrazovni broj), which is key to linking all data on children, students, and adults in the JISP. The JISP includes data that are systematized in four registers: the register

of children; students; adults in the education system; and students in the higher education system. Educational institutions do not collect data according to national affiliation, because in accordance with the Constitution,<sup>6</sup> the expression of national affiliation is open and free.

25. Within the MIA, there is a single information system, comprised internally of centralized electronic databases in various areas of public safety, crime, and misdemeanours. In accordance with the Law on Prevention of Domestic Violence, a centralized electronic record of data on cases of domestic violence, of the imposition and execution of emergency measures, and of the execution of measures for protection against domestic violence is kept,<sup>7</sup> a centralized electronic record of data on cases of domestic violence, of the imposition and execution of emergency measures, and of the execution of measures for protection against domestic violence is kept.

26. MJ collects data in the field of penal policy. The Centre for the Protection of Victims of Trafficking in Human Beings maintains a unique database on victims of trafficking in human beings. The Institute of Public Health Dr Milan Jovanovic Batut has for 12 years been developing indicators for monitoring the occurrence of the abuse, neglect, and exploitation of children, which include sexual abuse, and it also maintains the Register of Children Suspected of Being Abused and Neglected.

27. *DevInfo* is a database<sup>8</sup> containing data disaggregated by gender and age for 166 socio-economic indicators in the fields of education, social services, and health care at the level of 174 local self-governments.

28. In order to improve the relevant records, amendments made to the Law on Prohibition of Discrimination from 2021 prescribe the obligation of courts to keep records of final judgments and decisions made in litigation for protection against discrimination and in misdemeanour and criminal proceedings for criminal offenses related to discrimination and the violation of the principle of equality, as well as to submit them anonymously to the Commissioner for the Protection of Equality.

## **G. Application of the principles and provisions of the Convention on the Rights of the Child (Articles 42 and 44, paragraph 6)**

### **Dissemination of information, awareness raising and training**

#### **Information relating to paragraph 19**

29. The concluding observations CRC/C/SRB/CO/2-3 have been translated into Serbian and published on the websites of the (former) Office for Human and Minority Rights, the Council for the Rights of the Child, NMHR, as well as submitted to the National Assembly and all competent institutions and bodies for their implementation at the national, provincial, and local levels.

30. At its most recent session NMHR presented the findings from the observations of CRC and integrated the obtained recommendations into the Plan of Recommendations which it administers.

31. The concluding observations and the plan were also presented at the session of the Council for the Rights of the Child. In cooperation with the National Assembly, public hearings were organized.

32. Young people and children in the country participate in the processes of education and cultivation by actively participating in the achievement of goals and programs, in particular through: Student Parliaments and peer teams in schools, the Union of High School Students, the UNICEF Youth Committee, Debate Clubs, and other relevant organizations.

33. The National Academy of Public Administration (NAPA), established by the Law on the National Academy of Public Administration, started operating in January 2018. NAPA

<sup>6</sup> "Official Gazette of RS" No.98/06.

<sup>7</sup> "Official Gazette of RS" No. 94/16.

<sup>8</sup> <http://devinfo.stat.gov.rs/diSrbija/diHome.aspx>.

implements the general training program for civil servants, the general training program for employees in local self-government units, the training program for managers in state bodies, and the training program for managers in local self-government units adopted by the Government.

34. In December 2020, the Handbook on Media Literacy in Pre-University Education was published for educators, teachers, and professional associates. There is also a digital version.<sup>9</sup> The Media Literacy Handbook for Public Administration and Training, available since June 2021, represents a part of the official NAJU program. A Handbook on Media Literacy for Parents has also been published.

### **III. Definition of the child (Article 1)**

#### **Information relating to paragraph 21**

35. MFCD has initiated a procedure to amend the Family Law, which provides for the definition of the concept of the child in accordance with Article 1 of CRC. It is also planned that the provisions that enabled courts to allow a person who has reached the age of 16 to marry for justified reasons will be nullified. The adoption of the Law on Amendments to the Family Law is planned in the Government's work plan for 2022.

### **IV. General principles (Articles 2, 3, 6 and 12)**

#### **A. Non-discrimination (Article 2)**

##### **Information relating to paragraph 23**

36. In May 2021, amendments to the Law on the Prohibition of Discrimination were adopted, taking into account the recommendations of the relevant United Nations human rights mechanisms and the EU, which, inter alia, strengthened the role of the Commissioner for the Protection of Equality. Amendments to the Law have fully harmonized the notion of indirect discrimination with EU legislation and introduced incitement to discrimination and segregation as forms of discrimination.

37. Part of anti-discrimination law are anti-discrimination clauses contained in a number of laws regulating certain areas of social relations, the rights of national minorities, the rights of persons with disabilities, gender equality, education, social protection, health, and other fields. Legal regulations have established compatible mechanisms of civil, misdemeanour, and criminal protection against discrimination, thus establishing a comprehensive system of legal protection against discrimination.

38. The implementation of the Action Plan for the implementation of the previous Antidiscrimination Strategy through 2018 was continuously monitored through quarterly reports (6 in total). For the first time, a Government Council was formed for the supervision of these purposes, standing as an example of good practice in the implementation of public policies in our country. The analysis of the implementation of the Strategy showed that the highest percentage of the implementation of the planned measures was achieved in relation to refugees (80%) and children (60%). However, it was pointed out that the right to participation of children is not a sufficient part of the practice of bodies and public services in legal matters in which their rights are decided. Children with disabilities and Roma children are most often exposed to discrimination, and it is of particular concern that they are often victims of domestic and peer violence. Based on the analysis of the previous document, and after a broad consultation process, a new Antidiscrimination Strategy 2022 -2030 was adopted.

39. The professional service of the Commissioner for the Protection of Equality has limited capacities and is not divided on the grounds of discrimination, i.e., the protected personal characteristics, which accounts for there being no organizational unit that deals

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<sup>9</sup> [www.medijskapismenost.com](http://www.medijskapismenost.com).

exclusively with discrimination against children. In order to bring protection against discrimination closer to children and young people, a complaint form for initiating proceedings before the Commissioner has been prepared, one which is adapted to children and young people, who can thereby address the Commissioner directly. In order to facilitate communication and perform work related to discrimination against children, all employees who act on complaints have undergone appropriate training for working with children and one civil servant has been exclusively appointed to work with children. If the capacity of the professional service of the Commissioner were to be increased, it would make it possible for the service to organizationally separate one group or department so as to function as the most acute organizational unit for work on children's complaints. Also, within the relevant functions of this institution operates The Panel of Young Commissioners for the Protection of Equality – “*Discriminators of Discrimination*.”

40. In the field of education, rules are applied with the aim of recognizing and preventing discrimination, including particularly severe forms of discrimination, such as segregation.<sup>10</sup> In cooperation with international organizations and civil society organizations, the following documents were prepared: a *Brochure* for parents, with the aim of improving the capacity of educational institutions to prevent and act in cases of discrimination;<sup>11</sup> a *Guide* to preventing and responding to discrimination for employees in educational institutions;<sup>12</sup> a *Guide* for employees in educational institutions; and a *Guide* for parents. Additionally, a Guide for the application of the Rulebook on the conduct of the institution in case of suspicion or established discriminatory behaviour and insult to the reputation, part, or dignity of a person is being drafted, through the elaboration of articles of the Rulebook related to segregation.

41. Four programs have now been accredited and trainings have been conducted to strengthen the capacity of over 2,000 employees in education for the prevention of dropouts; activities were conducted for the inclusion and participation of all children and students through education; training was provided for standard school teachers who have students who use Braille; and trainings were organized for members of interdepartmental commissions (400 students from 136 municipalities).

42. Educational reforms began in 2017 with the creation of new curricula for primary education and preschool/kindergarten education that are outcome-oriented and should ensure the development of interdisciplinary competencies, one of which is “*Responsible participation in a democratic society*.” Program contents related to education for democracy and civil society are realized through the Civic Education curriculum. This subject has the status of a compulsory elective program that is chosen for each school year.

43. During the reporting period, eight workshops were held, attended by about 200 representatives of various media enterprises, in relation to reporting and improving the overall narrative of migration. In addition to the above activities, with the support of the EU, various television spots, radio jingles, billboards, and films were created in order to raise public awareness about migrants and reduce the negativity of the narrative. A colouring book for children called *Fable of Friendship without Borders* was also printed, aimed at helping the youngest in the population to build tolerance.

44. 2017, MHMRSD has supported 112 projects through public calls, with funds in the amount of about 70 million dinars applied in the field of anti-discrimination policies, with 20 of the projects involving activities for children, provided with resources at a value of about 10 million dinars.

<sup>10</sup> <https://www.paragraf.rs/propisi/pravilnik-postupanju-ustanove-slucaju-sumnje-utvrdenog-diskriminatornog-ponasanja.html>; <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/ministarstva/pravilnik/2016/22/1/reg>.

<sup>11</sup> [http://www.mpn.gov.rs/wp-content/uploads/2021/02/Brosura\\_CIPv05-final-za-roditeljeB.pdf](http://www.mpn.gov.rs/wp-content/uploads/2021/02/Brosura_CIPv05-final-za-roditeljeB.pdf).

<sup>12</sup> [http://www.mpn.gov.rs/wp-content/uploads/2021/02/Brosura\\_CIP\\_-05-final-za-zaposleneB-1.pdf](http://www.mpn.gov.rs/wp-content/uploads/2021/02/Brosura_CIP_-05-final-za-zaposleneB-1.pdf).

## B. The best interests of the child (Article 3)

### Information relating to paragraph 25

45. In order to specify this legal standard and harmonize it with Article 3 CRC and General Comment No. 14, as well as with the CRC as a whole, it is envisaged that a provision will be introduced into the Law on Amendments to the Family Law, which will define it more precisely, for the purpose of its uniform application in administrative and judicial proceedings.

46. *The Rulebook on the Manner and Conditions of Exercising Police Powers regarding Juveniles*,<sup>13</sup> prescribes the obligation of police officers to apply the principle of the best interests of the child when dealing with minors.

47. A special working group of the MJ drafted the Law on Amendments to the Law on Juvenile Delinquents and the Criminal Protection of Juveniles. The draft was sent on October 1, 2021 to the European Commission (EC) for expert evaluation. The opinion of the EC was obtained at the end of 2021. The working group will continue its work, in order to harmonize the text of the Draft with the comments of the EC.

48. The Law on Asylum and Temporary Protection prescribes that special care be applied to the interests of unaccompanied minors and children. Standard Operating Procedures (SOPs) for the treatment of unaccompanied minor migrants are applied in all asylum and reception centres. Special attention is paid to the best interests of the child.

49. In 2018, the Protector of Citizens published a *Special Report on the State of the Rights of the Child*,<sup>14</sup> with one part of the report dedicated to the application of the principle of respect for the best interests of the child.

50. As part of 30th anniversary of the adoption of CRC, a round table in May 2019 entitled “*Respect for the Rights and Best Interests of Juvenile Delinquents, with special focus placed on improving cooperation between justice, police, and health and social services.*”.

## C. Right to life, survival and development (Article 6)

### Information relating to paragraph 27

51. In accordance with the Law on Health Care Protection and the Law on Health Insurance, all persons are to be provided with equality in the accessibility and quality of health care services. Also, all pregnant women and mothers up to 12 months after the birth of a child have the right to complete health care protections, including the right to medicines and to the reimbursement of transportation costs, regardless of whether their health insurance documents are certified. The state also invests in the infrastructure of health institutions in order to improve the quality of services to all citizens and the availability of health care.

52. The result of the work of health mediators was assessed by the European Commission as the most successful public policy measure in the field of the inclusion of Roma men and women. During 2019, 85 trained health mediators were hired within the health care system, signifying a significant increase in the number when compared to 2017 (60). Thanks to the engagement of health mediators, Roma women have gained easier access to health services, and the trend of conducting systematic and gynaecological examinations has continued. There has been an expansion in the number of health examinations of pregnant women and mothers giving birth, as well as in the number of vaccinated women and children. In the last ten years, the mortality rate of Roma children has been reduced by 50 percent. In order to reduce significant regional differences in the infant mortality rate, new standards for the regional organization of newborn care are being developed. In 2019, health mediators conducted 4,229 first-time visits and 10,740 additional visits. In 2020, 8,250 vaccinations and systematic examinations of Roma children were performed, while documents (health books, personal documents) were provided for 2,150 persons. In addition, 10,500 children

<sup>13</sup> “Official Gazette of RS” No. 83/19.

<sup>14</sup> <https://www.ombudsman.rs>.

attended workshops and planned interviews were conducted in various areas of health education.

## **D. Respect for views of the child (Article 12)**

### **Information relating to paragraph 29**

53. Amendments to the Family Law provide for the deletion of the age limit of 10 years, meaning every child regardless of age will be able to freely and directly express their opinion in every judicial and administrative procedure in which their rights are decided, and in accordance with their abilities for reasoning.

54. The Draft Law on Amendments to the Law on Juvenile Delinquents and the Criminal Protection of Juveniles explicitly stipulates the right of a juvenile to have his/her opinion heard in relevant proceedings.

55. Respecting the principle of children's participation in decision-making concerning them, the competent state authorities consult children when drafting regulations. Children were included and given the opportunity to express their opinion at a public debate held in several cities in Serbia during the development of a Strategy for the Prevention and Protection of Children from Violence 2020–2023. The strategy envisages the inclusion of children in the creation of programs for the prevention of violence against children from the earliest age, as well as their participation in the work of international networks, forums, groups, and other relevant bodies dealing with the protection of children's rights, as well as in their reporting to the Working Group for monitoring the implementation of this Strategy.

56. Children also took part in several sessions of the Council for the Rights of the Child and their views and observations were taken into account when making decisions and conclusions. At the session of the NMHR in May 2021, the representative children expressed their opinion on the implementation of the recommendations included in this Report.

57. During the exercise of police powers, police officers, inter alia, in accordance with the already mentioned Rulebook, have the obligation to enable the minor and his/her parents or other legal representative to actively participate in the proceedings, expressing objections and opinions and, at their request, to be provided with a copy of the official notes or minutes of the collected information in which they have stated their remarks and opinions.

58. The Law on the Foundations of the Education System<sup>15</sup> stipulates that a *Student Parliament* be organized in the last two grades of primary and secondary school with the aim of paying due attention to children's interests. The Student Parliament has its own rules of procedure, and the work program of the Student Parliament is an integral part of the annual work plan of the respective schools. Student parliaments of schools can unite in the Association of Student Parliaments, as well as cooperate with associations and organizations that deal with the protection and promotion of students' rights. The Student Parliaments give opinions and proposals to professional bodies, school boards, parents' councils, and respective school principals on numerous issues of importance to students, participate in the process of planning school development and school self-evaluation, and propose members of the professional staff for development planning and for the teams for the prevention of peer violence, drawn from among the students. MESTD called for the submission of children's proposals for improving the work of student parliaments, along with extending an invitation to send initiatives for changes in the law in the field of education.

59. The process of drafting the Law on Amendments to the Law on Youth is underway, as is the revision of the National Youth Strategy. 402 youth representatives were involved in the consultation process.

60. As part of the 30th anniversary of the adoption CRC in October 2019, a public debate was held on "*Children's rights in Serbia 30 years after the adoption of CRC.*" Recommendations from this gathering were shared with relevant public and other institutions.

<sup>15</sup> "Official Gazette of RS" No. 88/17, 27/1 – State Law 10/19 and 6/20.

61. Children's view: in embracing the initiative of NMHR to Include Children in the Dialogue on Reporting on the Implementation of CRC was welcomed, decision-makers were called on to apply this type of cooperation in connection with the implementation of public policies in the field of children's rights. Representative children have suggested improving the work of student parliaments by introducing their right to vote within school boards.

## **V. Civil rights and freedoms (Articles 7, 8 and 13 to 17)**

### **A. Registration of birth, name, and citizenship (Article 7)**

#### **Information relating to paragraph 31**

62. The legislative framework enables every child to exercise the right to be registered in the birth register after birth, while respecting legal certainty, both individual – the child and the system as a whole. Implementing the standard of identifying the mother in the procedures in which the rights of children are decided provides a protection mechanism in order to prevent any possible type of abuse (e.g., trafficking in children and people). As important as it is for every child to become legally visible after birth, which is achieved by registration in the birth register, it is at the same time important to ensure the legal security of the child. This is achieved by identifying the parents, primarily the mother.

63. Great progress in the field of resolving the so-called legal invisibility was achieved through the improvement of the legal framework during the implementation of the *Agreement on Understanding between the MSALSG, the Protector of Citizens and the UN High Commissioner for Refugees – Representation in RS* (2012–2016). A later Agreement was concluded in October 2019. During its implementation, it was estimated that 0.45% of persons living in informal settlements were not registered in the birth register (in 2010 it was 1.8%, and in 2015 1%). According to the results of the MICS-6 survey (multiple indicator cluster survey) from 2019, 99% of children under the age of five from Roma settlements were registered in the birth register. There are no significant variations in the percentage of children registered in the birth registry according to basic characteristics.

64. Bearing in mind that cases where a person is not registered in the birth register now appear as an exception, the activities under the 2019 Agreement were focused on cases of birth of a child whose parent does not have personal documents. To this end, in 2020, the *Instruction for dealing with cases of childbirth whose parents do not have personal documents* was drafted in order to enable registration in the birth register (more information in Annex III). The third Memorandum of Understanding was signed on February 10, 2022. The activities under this agreement are related to bringing the ten-year global campaign “I belong” (#IBelong) to its culmination.

65. The Law on Citizenship stipulates that a child born or found on the territory of the RS acquires citizenship of RS by birth if both parents are unknown to him, are of unknown citizenship, or are statelessness. The Protector of Citizens conducts field visits to informal settlements in order to enable persons at risk of statelessness to come into possession of personal documents as quickly and efficiently as possible and to reduce their number to a minimum or bring all such cases to resolution. In 2019, the Protector of Citizens published a special report on the implementation of the Strategy for Social Inclusion of Roma Men and Women, which states, among other things, that although the number of Roma who are not registered or have no registered residence has decreased, the number is still not negligible.

### **B. Preservation of identity (Article 8)**

66. During the reporting period, amendments were made to the Law on Registry Books<sup>16</sup> which enable the entry of changes in gender and nationality in the birth registry.

<sup>16</sup> “Official Gazette of RS,” No. 20/009,14/ and 47/18.

**C. Freedom of expression and the right to seek, receive and impart information (Articles 13 and 17)**

67. The Law on Personal Data Protection<sup>17</sup> stipulates that a minor who has reached the age of 15 may independently consent to the processing of personal data in the use of information by social services. In accordance with this provision, the Commissioner for Information of Public Importance and Personal Data Protection has developed educational content on the rights and protection of personal data – raising awareness of rights and risks. The content was then used to create one of the textbooks for Informatics for primary education.

**D. Freedom of thought, conscience and religion (Article 14)**

68. In primary and secondary school, students are provided with the opportunity to study the basics of religion through another elective, *Religious Education*. The ratio of the number of students attending compulsory the elective courses Civic Education and Religious Education is 43% to 57%, respectively.

**E. Freedom of association and peaceful assembly (Article 15)**

69. The Law on Associations<sup>18</sup> recognizes the right of the child to freedom of association, as well as the right of a minor over the age of 14 to be the founder of an association.

**F. Protection of privacy and reputation (Article 16)**

70. When reporting on children and minors, ethical principles are respected and certain restrictions prescribed by law are applied. The Law on Public Information explicitly stipulates that a minor must not be made recognizable in information that may violate his/her rights or interests (Article 80). In 2021, two international workshops were held for media and journalist associations and all actors in the field of information and media on Ethics and values in the digital age.

71. Children's view: Children expressed concern about the sensationalist reporting of the media that violates the right to privacy, which leads to the danger of secondary victimization of children in court proceedings.

**G. Access to information from various sources and protection from materials harmful to their well-being (Article 17)**

72. The National Contact Centre for Child Safety on the Internet, which was established on the basis of the Regulation on Safety and Protection of Children in the Use of Information and Communication Technologies,<sup>19</sup> has been operating since 2016 and is an exclusive entity for providing guidance on child safety on the Internet, as well as on harmful, inappropriate, or illegal content and behaviour on the Internet (More details in Annexes I, II, and III).

73. MTTT has been continuously conducting media campaigns with the Public Media Service RTS which have proven to be a highly effective means of raising awareness about the risks of using the Internet.

74. The Live 2.0 application is linked to the MIA, MESTD, MLEVSA, MHand to the Prosecutor's Office for High-Tech Crime. In addition, the site [www.pametnoibezbedno.rs](http://www.pametnoibezbedno.rs) is supplemented with timely information on the correct and safe use of digital technologies

<sup>17</sup> "Official Gazette of RS," No. 87/18.

<sup>18</sup> "Official Gazette of RS," No. 51/09, State law – 99/2011, and state law – 44/2018.

<sup>19</sup> *The new regulation*, "Official Gazette of RS," No. 13/2020.

through manuals, quizzes, questionnaires, brochures, and presentations for children and parents.

75. Article 77 of the Law on Public Information and Media stipulates that, in order to protect the free development of minors' personalities, special care must be taken to ensure that media content and media distribution do not harm the moral, intellectual, emotional, or social development of minors.

76. The Law on Electronic Media contains a number of provisions governing the protection of the rights and interests of minors in the field of media services. The legislation establishes the term of the so-called protected time: content unsuitable for minors under the age of 16 may not be broadcast before 10 pm or after 6 am, and for content unsuitable for minors under the age of 18, not before 11 pm or after 6 am. On-demand services that might harm the physical, mental, or moral development of children and young people must be provided in such a way that minors cannot, in normal circumstances, access them so as to hear or see them (e.g., as a protected conditional access service). *The Rulebook on the Protection of the Rights of Minors in the Field of Media Services* largely complements the legal framework for taking measures against media service providers.

77. In accordance with the Law on Public Information, MCI held over 50 workshops on media and information literacy for various target groups (teachers, students, government institutions, parents).

78. In accordance with the stipulations of Art. 51 of the Law on Electronic Media, the Regulatory Body for Electronic Media ensures that the program content of media service providers does not contain information that encourages, in an open or covert manner, discrimination, hatred, or violence of real or presumed personal characteristics, including those of age and birth. Several publications have been published in the field of the protection of minors from potentially inappropriate media content. The regulator is also involved in the process of drafting the *Code of Children and Media*, which is intended for media outlets and journalists, in the form of guidelines for reporting on children, and against all forms of child abuse. The regulator reports to the Council for Monitoring and Improving the Work of Criminal Procedure Bodies and the Execution of Criminal Sanctions against Juveniles on examples of reporting on TV broadcasts; if it is determined that the rules on juvenile protection have been violated, legally prescribed measures are to be imposed.

## **VI. Violence against children (Art. 19, 24 para. 3, 28 para. 2, 34, 37 (a) and 39)**

### **A. Freedom from all forms of violence**

#### **Information relating to paragraph 33**

79. On February 10, 2022, the Government adopted a new *General Protocol for the Protection of Children from Violence*,<sup>20</sup> which defines more than 20 forms of violence against children. Accordingly, new specific protocols for the protection of children from violence are required to be adopted by all line ministries, and other entities working with children are recommended to adopt their own special protocols. Entities whose activities include working with children, including those in the public and business sectors, associations, endowments, and foundations, are recommended to adopt their own special protocols in accordance with the principles of the General Protocol.

80. The Strategy for Prevention and Protection of Children from Violence 2020–2023 with the Action Plan for 2020 and 2021 aims to ensure a continuous comprehensive response of society to violence against children through an improved system of prevention, protection, and support.

81. It is envisaged that the amendments to the Family Law will expand the forms of violence defined by law (digital violence, persecution, economic violence, etc.), as well as

<sup>20</sup> <http://minbpd.gov.rs/wp-content/uploads/2022/02/Opsti-protokol-za-zastitu-dece-od-nasilja.pdf>.

introduce new measures of protection against domestic violence (issuing orders for obligatory inclusion in psychosocial treatment or specialized programs for perpetrators of domestic violence and issuing orders for the mandatory treatment of alcoholism and drug addiction).

82. In the course of 2019, amendments to the Criminal Code were adopted, which refer to the stricter punishment of persons who repeat the commission of particular crimes with an element of violence and of certain crimes related to drugs, weapons, and sexual violence. Amendments to the law abolished the possibility of the conditional release of a person convicted of the criminal offense of sexual misconduct committed against a disabled person or a child. Accordingly, a stricter prison sentence is to be prescribed for the perpetrator of the crime of domestic violence if its commission resulted in the death of a family member who is a minor.

83. *The Rulebook on the protocol of actions in the institutional response to violence, abuse, and neglect* was amended in 2020 and next year more than 10,000 employees in the education system were trained in applying the Rulebook.

84. Local agreements/protocols on intersectoral cooperation in the process of protecting children from violence, abuse, and neglect have been adopted in 39 municipalities in RS, clearly demonstrating significant progress.

85. In 2018, the ministers in charge of MESTD and MLEVSA jointly adopted the Instruction on the Procedure of Educational Institutions and Centres for Social Work – Guardianship Bodies in the Protection of Children from Violence. Also adopted was the Rulebook on the manner and conditions of the application of police powers against minors, as was the Instruction on the manner of work of organizational units of MIA in the suppression of crime.

86. In terms of prevention, MIA implements numerous informational and educational programs and projects dedicated to the development of security culture among children and youth, as well as actions aimed at preventing crimes with elements of violence that are committed and impact their interests negatively. Within the concept of community policing, numerous projects have been implemented in order to increase the safety of children and to prevent and reduce the consequences of the use of alcohol and psychoactive substances, while police information centres have been established in several cities. More detailed information can be found in Annex III.

87. In the field of protection of children from violence in the digital environment, a new subject “*Digital World*” was introduced in the first cycle of compulsory education that provides children with training on Internet safety and the digital world. More on the project “*Safe Internet for the Whole Family*” can be found in Annex III.

88. In 2021, the National Preventive Mechanism (hereinafter: NPM) made 12 visits to home-based social care institutions where children are present (more information can be found in Annex II).

## **B. Abuse and neglect, including physical and psychological recovery and social reintegration (Articles 19 and 39)**

### **Information relating to paragraph 35**

89. According to MIA, about 500 juvenile victims of abuse or neglect by parents/guardians are documented annually (of this number over 70% of such children have suffered violence, while in the other cases children have been neglected). Generally speaking, both sexes, as well as all ages, are represented among the juvenile victims of these crimes. However, in examining the risk according to individual offenses, the documented risk to children of the crime of “domestic violence” by parents/guardians increases with age (school children are most affected), while the youngest children (under 7 years) have been documented as the dominant victims for the two criminal offenses of “confiscation of a minor” and “neglect and abuse of a minor.” Eleven minors under the age of 11 also lost their lives in fires during the reporting period (four males and seven females). Such events were distributed

sporadically every year, with the fires occurring in residential or ancillary buildings where children had been staying without parental/guardian supervision.

90. In the institutions for social protection, i.e., those providing social protection services, employees are prohibited from any form of violence against the users (Article 151, Law on Social Protection).

91. The Government has launched a project for the establishment of a national platform for the prevention and suppression of violence in schools called “Čuvam te” (“I care for you”).<sup>21</sup> The platform integrates all the necessary aspects of basic prevention and tools for combating violence in schools in one place. *The Protocol on the provision of cross-sectoral services through the software solution “I care for you”* was adopted in order to protect against violence towards, and the abuse, neglect, and exploitation of children. In addition to addressing peer violence, which is the primary focus of this platform, the platform is a tool that should help combat violence against employees in educational institutions. A part of the platform that will enable online reporting of violence and monitoring of actions taken in response to such reporting is being developed. Within the “I care for you” platform, an application has been created that allows a child to request emergency help from family and friends with one click and indicate their location. After pressing the corresponding red button, an SMS is automatically sent to the previously selected trusted contacts with the notification that the sender is in danger. In cooperation with the Centre for Interactive Pedagogy, an online training on the application of the *Rulebook on the Protocol of Conduct in Institutions in Relation to Violence, Abuse, and Neglect* was prepared, intended for all employees in preschool institutions and primary and secondary schools. It is anticipated that by the end of 2021, over 25,200 teachers, 2,100 parents, and 3,500 children will have attended the training.

### **C. Prohibition of torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (Article 28, para. 2, and 37 (a))**

#### **Information relating to paragraph 37**

92. It is envisaged that the Law on Amendments to the Family Law shall introduce a provision that explicitly prohibits the corporal punishment of children, i.e., that in the custody, upbringing, and education of a child, parents may not subject the child to degrading treatment, corporal punishment, and other punishments that violate human dignity and integrity, and that shall stipulate that these prohibitions also apply to guardians, foster parents, and all other persons who take care of the child or come into contact with the child. The adoption of the law is planned in the Government’s work plan for 2022. After the adoption of the law, it is planned that comprehensive campaigns and the training of relevant actors will be organized in order to fully implement it. MHMRSD, within its announced series of social dialogues dedicated to children, has planned a dialogue dedicated to the topic of the explicit prohibition of the corporal punishment of children. (Results of the MICS-6 survey in Annex III)

### **D. Harmful Practices**

#### **Prohibition of child marriages**

#### **Information relating to paragraph 38**

93. According to the results of the MICS-6 study from 2019, about 4% of young women aged 15–19 were documented as married or living in an extramarital union, while this percentage rose to 13% among women from the poorest households. Among women aged 20 to 24, 1% were documented as having married before the age of 15, and 6% before the age of 18. Early marriage is more common among women living in settlements with a generally

<sup>21</sup> <https://cuvamte.gov.rs>.

lower level of education than other settlements and among those from the poorest and most materially deprived households.

94. Given the multi-layered nature of this phenomenon, the National Coalition for the End of Child Marriage was established in 2019 at the initiative of the Coordination Body for Gender Equality of the Government and UNICEF. The general goal of the National Coalition is to contribute to the end of child marriages especially in the Roma population, through the targeted and coordinated action of relevant actors, who shall engage in: advocating for the removal of institutional and social barriers to implementing relevant legislative and strategic frameworks, and the promoting of good practices, which are envisioned to be realized in partnership with local communities, the non-governmental, governmental, and private sectors, and the media.

95. In 2021, the National Coalition submitted initiatives to amend three laws in the field of child marriage, namely the Family Code, the Criminal Code and the Law on the Prevention of Domestic Violence. In 2021, the National Coalition for the End of Child Marriages launched a media campaign “*Childhood, not marriage*”. More information in Annex III.

96. In 2018, the Republic Institute for Social Protection, in cooperation with UNICEF, conducted an “*Analysis of the Practice of Centres for Social Work in Relation to Child Marriages*.” In response to the recommendations within the research, MLEVSA passed in 2019 the *Instruction on the manner of work of centres for social work – guardianship bodies in the protection of children from child marriages*. Based on the Instruction, the Republic Institute for Social Protection prepares annual reports (Results in Annex III).

97. In order to prevent this phenomenon, the *Model for the Prevention of Dropping Out from the Education System* was created, which contains measures at the school level that include a system for the early identification of and intervention for students at risk of dropping out, which is the main component of the model, which also envisions greater inclusion of parents in school and peer support measures, as well as teacher training and a new school model of supplementary teaching. The *System for Early Identification and Intervention* involves the development of individual dropout prevention plans (IPPOs) for students who have been identified as students at risk of dropping out. The dropout rate in schools where this prevention model has been applied has decreased by 53.2% in the reporting period, a clear indication that individualized support measures are yielding results. Info about accredited programs in Annex III.

## **VII. Family environment and alternative care (Articles 5, 9–11, 18 (paragraphs 1 and 2), 20–21, 25 and 27 (paragraph 4))**

### **A. Family environment and parental guidance in accordance with the child’s developmental abilities (Article 5)**

98. The database of licensed social protection providers for children currently includes 65 licensed day care providers for children with disabilities, 4 day care providers for children and youth with behavioural problems, 4 licensed shelters for children and youth, 3 licensed providers of accommodation, 50 licensed personal companion service providers, and 3 youth-supported housing service providers, while almost every local government has a developed home help service that can be used not only for adults and elderly users but also for children with disabilities.

99. Relevant counselling, therapeutic, and social education services are currently still not licensed, as standards for the provision of these services have not been developed, though the competent ministry has included this issue in the priority activities for 2022, alongside the development of standards for intensive family support.

## **B. Joint responsibility of parents, assistance to parents, provision of child protection services (Article 18)**

100. In 2021, amendments to the Law on Financial Support for Families with Children were made, which, among other things, increased the allocations for support to children and parents (more detailed information on allocations is contained in Annex III).

## **C. Separation from parents (Article 9)**

101. The conditions and manner of separating a child from one or both parents are normatively regulated by the provisions of the Family Law (Articles 60, 81, 82, 197, 198 and 332) and in the case of domestic violence by the Criminal Code (Article 194), about which the Committee has already been informed in a previous report.

102. The service of providing a family associate, which was piloted in the previous period, proved to be very successful in the field of the prevention of displacement of children from the family. Of the total number of families that used this service, 37% were Roma families. With the amendments to the law on social protection, this service will be implemented in the social protection system through the establishment of centres for children, youth, and family within the existing homes for children without parental care. In this way, the service will become part of the formal protection system.

## **D. Family Reunification (Article 10)**

103. MCFD takes concrete measures, acting at the request of both domestic and foreign citizens in order to regulate the maintenance of personal relations and direct contacts of the child with parents living in different countries through directly engaging with the competent authorities for administering and monitoring parental obligations to enforce decisions of courts or guardianship authorities that have been made in regard to the relevant cases mentioned above.

## **E. Providing for the child (Article 27, paragraph 4)**

104. Legal guardianship/provision for the child is regulated by imperative norms, and the waiver of the right to guardianship/provision is not allowed. This right does not become obsolete. Issues related to child support are regulated by the Family Law. In connection with the procedures for fulfilling the requests of foreign creditors by applying the UN Convention (New York, June 20, 1956), the function of the mediating body is performed by MHMRSD. In the period from 2017–2021, a total of 137 requests for alimony claims were submitted to this ministry, so that it currently has 169 alimony claims from 16 countries party to the Convention in its records. Subject to Article 6 of this Convention and acting within the limits of the authority granted by the creditor in all alimony claims, all necessary measures and actions have been taken on behalf of the creditor to earn a living.

## **F. Children deprived of a family environment (Article 20)**

### **Information relating to paragraph 40**

105. Financial and material poverty is never the only reason for separating a child from parental care and placing him/her in an alternative protection system, while in the case of relocating a child from a biological family, a comprehensive assessment of the child's protection and best interests is made. Most foster children have been victims of violence, neglect, and abuse. In the case of an assessment that the child is endangered in multiple ways, a procedure for temporary or permanent deprivation of parental rights is initiated. Data from MCFD from 2021 show that half of the children separated from their biological family and placed in a foster family were separated due to serious neglect of the basic needs of the child. Domestic violence is another reason for the frequent separation of children from their family,

followed by the inability of parents to exercise parental rights due to mental health problems or other illnesses. Additional, but the prominent reasons for why children are separated from biological families are the absence of parents for an extended period of time and the death of parents. Data from the Centre for Family Accommodation and Adoption show that in 2019, 339 lawsuits were filed with the courts for complete or partial rescinding of parental rights, involving 524 children.

106. The Strategy for Deinstitutionalization and the Development of Community Social Protection Services 2022–2026 envisages measures and activities aimed at exercising the right of beneficiaries to live in the community through the process of deinstitutionalization and social inclusion.

107. At the end of 2021, the Law on the Rights of Users of Temporary Accommodation Services in Social Protection was adopted, which is part of the strategic solution for the transition of users from institutional protection to life in the community. The law should enable the protection of users' rights through their training for independent living and social inclusion.

108. The Law on Social Protection prohibits the placement in homes of children under the age of three, except in exceptional circumstances provided that there are particularly justified reasons and that a child under the age of three may not spend more than two months in the accommodation, unless the consent of the competent ministries had been given to allow it. The draft law on amendments to the Law on Social Protection envisages a review of the child's accommodation every two months. Measures to eliminate irregularities in the accommodation of children and youth in social protection institutions stipulate that social work centres are obliged to obtain the prior opinion of the competent ministry for each accommodation of a child under 18 years of age, and if the accommodation is urgent, the relevant social work centre is obliged to request an opinion within 3 days from the day of the realized accommodation.

109. Social protection institutions have mandatory prescribed procedures regarding the filing of complaints for the sake of beneficiaries, have defined mandatory procedures for the application of restrictive procedures and measures against beneficiaries, and have an internal team of employees in charge of dealing with cases of violence against beneficiaries. Any deviation and/or gross violation of the rights of users by a service provider may lead to the loss of the license of the service provider to perform social protection activities. With the aim of administering and improving the system, MLEVSA performs expert supervision and inspection, while the institutes for social protection (republic and provincial) provide supervisory support for the adoption of new, more modern concepts and also assist in resolving specific, professionally demanding situations encountered in and by social protection institutions. During 2019, one home for children without parental guardianship (in Užice) was closed. Information on projects and accredited expert training programs is contained in Annex III.

110. In co-operation with UNICEF, MLEVSA has initiated the process of relocating children aged 0 to 3 from institutions and relocating them to a family environment, either returning them to the biological family where possible or by finding an appropriate guardianship or foster family.

## **G. Periodic inspection of care (Article 25)**

111. Centres for social work and institutions for the accommodation of children and youth are obliged to obtain a prior opinion of the Ministry for each accommodation of a child under 18 years of age, as well as to periodically examine the need for the further stay of children in institutions and report to MLEVSA. Based on Administrative instruction to eliminate irregularities in the placement of children and youth in social welfare institutions MLEVSA controls every procedure of placing a child in a social protection institution, which fall under the administration of centres for social work.

112. Institutions for social protection monitor the following phases of the centres for social work: the sending of children and youth to social care institutions; the withdrawal of children

and youth from institutions; applying other forms of protection for children and youth; planning activities to promote less restrictive forms of protection; and applying measures of family and legal protection for children and youth in accommodation in institutions.

113. In accordance with the law aimed at providing suitable parental care of the child, priority is given, in descending order, to: measures aimed at preserving the family; followed by alternative accommodation, primarily in a foster family; and as a final measure, by providing accommodation in a social welfare institution. Amendments to the *Rulebook on Foster Care* are underway, whose goals include: to redefine the form of foster care; improve standards of protection for children and youth in foster care; improve professional procedures; better monitor foster care; provide more adequate assistance and support to children and foster families; and improve foster care records.

## **H. Adoption, state and interstate (Article 21)**

### **Information relating to paragraph 42**

114. Adoption is regulated by the Family Law and bylaws. As a measure of protection for those without parental care, it applies equally to all children for whom the centres for social work have determined as generally eligible for adoption. Future adopters go through mandatory preparation prior to adoption. According to the data from the Unified Personal Register of Adoption, in 2021, 88 adoptions were established (foreign – 18 and domestic – 70). Data on adopted children are not grouped in the Unified Personal Register of Adoption by nationality or degree of disability. After a successful, legitimate adoption, adoptive parents have the legal status of parents and may access the help and support of guardianship authorities and other organizations specialized in mediation in family relations.

## **I. Illicit transfer and non-return of children (abroad) (Article 11)**

115. The Law on Enforcement and Security<sup>22</sup> prescribes the enforcement procedure and its urgency in connection with the unlawful removal and retention of a child, about which the CRC was informed in the previous report.

## **VIII. Disability, basic health and social protection (Articles 6, 18 (paragraph 3), 23, 24, 26, 27 (paragraphs 1–3) and 33)**

### **A. Children with disabilities (Article 23)**

#### **Information relating to paragraph 44**

116. The Strategy for Deinstitutionalization and the Development of Community Social Protection Services 2022–2026 envisages measures and activities for the territorially-harmonized and sustainable development of community services, the transformation of accommodation institutions into service providers, the establishment of normative and financial preconditions for sustainability in the process of deinstitutionalization, the empowering of users for this process and for their inclusion in the community, and for empowering professionals to implement and advocate for deinstitutionalization.

117. The Law on Financial Support for Families with Children stipulates that low-income families with a child with disabilities, and a child with a disability itself, may be entitled to a child allowance for creating more favourable conditions equivalent to a 20% higher entitlement threshold in relation to the regular census; if the child is entitled to the allowance for assistance and the care of another person, the right to child allowance shall be exercised regardless of the material conditions of the family. The amount of the child allowance is 50% higher, respectively.

<sup>22</sup> “Official Gazette of RS,” No. 106/15, 106/16, 113/17 – authentic interpretation, and 54/19.

118. Reforms of the child protection system continued during the reporting period. The number of children in foster care 5,000 children (88%), is significantly higher than the number of children in institutions for accommodation, which is 600 (12%), but the percentage in foster care is lower when it comes to children with disabilities. For this reason, the state places special emphasis on the development of specialized foster care with intensive and additional support. Efforts have been intensified to develop periodic foster care services for children with developmental or health difficulties living in a biological or foster family, and for those who are placed in another family for a shorter period, with the aim of providing the care givers with an opportunity to take a break and thus preserve the capacity of the foster or biological family to continue to provide care to the child, while at the same time preventing crisis situations that could lead to the separation of the child from the family and placement in an institution.

119. There are seven centres for family accommodation and adoption in RS, including two new centres established in Novi Sad and Subotica, while the establishment of another institution of this type is planned.

120. Guidelines have been developed for: foster care, the development of emergency foster care, and for periodic family accommodation. Trainings for the application of guidelines and mentoring visits to institutions were implemented, and they were presented at a relevant conference to the professional and general public.

121. In the reporting period, numerous activities were undertaken for the development of community services. The mechanism of earmarked transfers by which the Republic budget transfers resources to qualifying local self-governments who are at a lower level of development than the national average provided great support to this process. Through the process of licensing social protection service providers, which is conducted continuously and which ensures uniform quality of service provision, the number of issued licenses has shown a tendency to increase from year to year (from 54 licenses issued in 2014 to 700 licenses issued by the end of 2021).<sup>23</sup> The service of providing a personal companion for a child has especially expanded in recent years, and with the help of home and living assistance, it is one of the most widespread services.

122. In 2018, the President of the Council for the Rights of the Child and the ministers in charge of health, education, and social protection signed the Call for Action to support the development of children in early childhood and create optimal conditions for the development of each child and society as a whole. In the reporting period, with the support of UNICEF, the piloting was initiated of the “Early Intervention Model”s.

123. The Law on Preschool Education<sup>24</sup> prescribes the enrolment of children with disabilities in regular groups in preschool/kindergarten or in development groups enrolling children with extremely complex disabilities, as well as the development of an individual educational plan for children who require additional support for preschool education.

124. Students with disabilities enjoy the right to education within regular primary schools, within departments for the education of students with disabilities at regular schools, and at schools for the education of students with disabilities. Students are provided with educational support through measures of additional educational support, individualization, and adjustment, an individual educational plan – IEP, and additional health and social support services, the need for which is determined by an interdepartmental commission. Students with disabilities are enrolled in schools and departments for the education of students with disabilities and with the consent of their parents. There are 47 schools for the education of students with disabilities. In schools for the education of students with disabilities, individual educational plans with a modified curriculum (IOP2) are applied. Relevant statistics can be found in Annex III.

125. For students with developmental disabilities and disabilities who attend classes according to an Individual Education Plan, the Free Textbooks Program provides textbooks that are adapted to certain developmental disabilities or disabilities. 37 advisors, as external

<sup>23</sup> <http://www.zavodsz.gov.rs/media/2270/izvestaj-lplu-2016-2020.pdf>.

<sup>24</sup> “Official Gazette of RS” No.18/10,101/17,113/17–state law,10/19 and 129/21.

associates in the field of inclusive education, have been hired. In the last three years, 43 accredited professional development programs for teachers have been accredited in the field of prevention of dropping out of school. The Strategy for the Development of Education and Preschool Education to 2030, the Rulebook on Resource Centres.<sup>25</sup>

## **B. Health and health protections (Article 24)**

### **Information relating to paragraph 46**

126. The Institute for Public Health “Dr Milan Jovanović Batut” has developed a Professional Methodological Instruction and conducted training for keeping a register for children with disabilities. In 2018, the MH published “Guidelines for screening, diagnosis, and interventions for children with autism.” Most health care institutions involved in primary health care featured information on active immunization of the population against infectious diseases on their homepage.

127. WHO Immunization Week in the European Region is regularly celebrated in Serbia, as is 16th Week Immunization. Vaccination and revaccination with all vaccines provided for in the Compulsory Immunization Calendar has increased compared to 2017, covering immunization. Detailed information about immunization and statistic form MIKS-6 in Annex II.

128. The Decree on the National Program for Support of Breastfeeding, Family, and Developmental Care of Newborns was adopted in July 2018.

129. By 2019, 25 breastfeeding counselling centres within the School for Pregnant Women and Parenthood program had been opened in health centres.

130. Children’s view: The reorganization of the health care system in the context of the Covid-19 pandemic has had a negative impact on access to health care services for non-visible patients. It worries a large number of children who are being treated abroad and whose treatment costs are not covered by the RHIF (Republic Health Insurance Fund); rather the funds are provided through the activism of foundations, groups of citizens, or individuals and through SMS messages of financial support from citizens.

## **C. Mental health**

### **Information relating to paragraph 48**

131. In 2022, there are five centres for mental health, which have limited accessibility. In addition, these mental health centres function as organizational units of secondary and tertiary health facilities, so they are not community centres, as is recommended by best international standards of practice.

132. The relevant regulator initiated the signing of a memorandum of cooperation with the Clinic for Psychiatric Diseases Dr. Laza Lazarević in Belgrade, in order to prevent and take appropriate actions regarding suicide, as well as to develop general guidelines for media coverage of suicides.

133. Children’s view: during the Covid-19 pandemic, the mental health of young people was greatly impaired. The services of psychotherapists and psychologists to support children are not available to many children.

## **D. Adolescent health**

### **Information relating to paragraph 50**

134. In 2021, MESTD, in cooperation with the United Nations Population Fund and the Institute for the Advancement of Education, implemented an online training program relevant

<sup>25</sup> “Official Gazette of RS” No.80/21.

to professional associates from every school for empowering employees in education to develop responsible attitudes towards health, health maintenance, and the safety of students.

135. Special measures were introduced in the accommodation centres for migrants and asylum seekers during the Covid-19 pandemic. As soon as possible, hygiene standards were raised in all centres and informing and education of accommodated persons on the importance of disease prevention were initiated. In addition, personal protective equipment was provided. Regular meetings were held with all primary health care institutions and public health institutes, as well as with MH. Evidence of good cooperation and coordination is especially emphasized by the fact that during the emergency situation, no case of covid-19 infection was recorded in any asylum or reception centre.

136. In the reporting period, with the support of MYS, 17 projects were implemented aimed at educating young people on sexual and reproductive health, preventing the treatment of sexually transmitted diseases and promoting healthy lifestyles. Through these projects, over 5,000 direct beneficiaries were involved in workshops, and over 10,000 young people participated in promotional and information campaigns.

## **E. Standard of living (Article 27, paragraphs 1–3)**

### **Information relating to paragraph 52**

137. Measures to support children and parenthood, such as the right to paid one-year maternity leave and childcare leave, are in effect, with the purpose of enabling timely, adequate care and stimulation of the child, yet also of establishing the parent-child relationship with suitable levels of connection and attachment. If a child has developmental disabilities, the parent has the right to paid work leave for the purposes of caring for the child, which is applicable up to the fifth year of the child's life. In the case of unemployed persons, in accordance with the regulations on employment, users of the right to unemployment benefits may continue to use this right for the entire duration of maternity leave, leave for child care, and leave for special child care.

138. To ensure the minimum financial security of the family, as one of the conditions for improving the quality of child care and supporting the welfare and overall development of children, especially young people, and particularly those children living in unfavourable socio-economic circumstances, the social protection system distributes monetary social benefits, alongside providing parental allowance, child allowance, and other measures and rights prescribed by the Law on Social Protection<sup>26</sup> the Law on Financial Support to Families with Children. The Law on Financial Support to Families with Children<sup>27</sup> provides for the exercise of the right to a child allowance to foster more favourable conditions for children under guardianship (a 30% higher amount of allowance), children from single-parent families, and children with disabilities (a 50% higher amount of allowance).

139. Beneficiaries of financial social assistance are, based on their status, entitled to other benefits and privileges, such as: the status of an energy-protected customer, which is manifested in a reduction in the monthly electricity or gas bill; the right to health care; a child allowance if the child attends regularly school; the right to reimbursement of extra-curricular costs in a preschool institution; and other types of assistance that may vary in local self-government units (in most cities and municipalities beneficiaries of financial social assistance (NSP) are entitled to various types of one-time cash and in-kind benefits, free meals in public kitchens, free textbooks, transportation costs, scholarships, reductions in utility bills, etc.).

140. Specific support to single-parent families is realized through the application of several rights and services at the national and local level, such as: the right to increased financial social assistance; the right to child allowance to foster more favourable conditions one-time material benefits, free or reduced charges for the use of services; coverage of living costs for children with disabilities; subsidies in the payment of electricity; subsidies for the payment

<sup>26</sup> "Official Gazette of RS "No.24/11.

<sup>27</sup> "Official Gazette of RS "No.113/17, 50/18, ... and 53/21.

of communal services; public transport services, etc. The guardianship authority can also provide support to parents through counselling and psychosocial support.

141. The establishment of the Social Card Registry should positively impact the fairer distribution of the allocated budget for social protection, facilitate the exercise of rights for beneficiaries, support the shaping of social policy and provide an up-to-date data system in case of emergencies. The Social Card System will also enable a faster response in the event of changes in data that affect socio-economic status and thus enhance the prevention of poverty.

## **F. The impact of climate change on the rights of the child**

### **Information relating to paragraph 53**

142. The Law on Disaster Risk Reduction and Emergency Management stipulates that disaster risk assessment is to be carried out and adopted by RS institutions, local self-government units, and entities of special importance for protection and rescue, with special attention paid to preschool and school institutions, faculties, and all facilities where children stay and where classes take place as well as to social protection institutions for the facilities where the beneficiaries reside.

143. MIA in cooperation with the OSCE, has prepared a *Family Manual for Behaviour in Emergency Situations*, which is distributed to students during school lectures and is publicly available on the MIAs official website, in Serbian (in both the Cyrillic and Latin alphabet), in minority languages (Albanian, Hungarian, Slovak and Romani), and in English and Russian, as well as in Braille and in audio format to enable its use by visually impaired and hearing impaired persons.

144. The Ministry of Environmental Protection supported the analysis of the climate situation and its impacts on children in Serbia, which was carried out by UNICEF.<sup>28</sup>

## **G. Social protection, services and institutions for child care (Articles 26 and 18, paragraph 3)**

145. Social protection is organized through the work of 141 centers for social work, i.e., 173 departments of centers for social work (a total of 174 cities and municipalities), which provide 24-hour availability of services.

146. Right to social protection it is defined in Law on Social Protection.

147. RS and AP Vojvodina have founded: 17 homes for children and youth; 10 homes for children and youth lacking parental care; 3 institutions for the education of children and youth; and 4 institutions for children and youth with disabilities. Currently, there are seven centers for family accommodation and adoption and the establishment of another such institution (in AP Vojvodina) is planned.

148. Institutions for social protection (at the republic and provincial level) monitor the quality of professional work and services in the social protection system, provide professional support (supervisory support) to improve professional work and social protection services, develop quality systems in social protection, coordinate the development of service standards, propose to the competent ministry improvements to existing standards and the introduction of new standards, and develop and implement models of supervisory support in social protection institutions and social protection service providers.

149. Inspection supervision in social protection institutions is performed through the Social Protection Inspection Service. Social protection inspection services are organized at three organizational levels – the national, the provincial, and at the level of the city of Belgrade.

<sup>28</sup> <https://unicef.org/serbia/media/18356/file/CLAC%20izvestaj.pdf>.

## **H. Abuse of narcotics, tobacco, alcohol and other substances**

150. Amendments made to the Criminal Code in 2019 added provisions that prescribe qualified forms of criminal offenses for the unauthorized production and distribution of narcotics (Article 246, paragraph 4) and for enabling the use of narcotics (Article 247, paragraph 2) when committed against a minor, as well as when the cited criminal offenses are committed in an educational institution or in its immediate vicinity, i.e., by a person employed in these institutions.

151. The Rulebook on the manner and conditions of the application of police powers against minors and the Instruction on the manner of work of organizational units of MIA in the suppression of crime have both been adopted. Within the concept of community policing in the Police Administration in Jagodina and Kragujevac, the project “Choose life, drugs are a failure” was realized, in order to prevent drug abuse and reduce risky behaviours and symptoms through early intervention. Information on these projects is available in Annex III.

## **I. Measures for the protection of children whose parents are in prison and children who live in prison with their mothers**

152. The Law on the Execution of Criminal Sanctions<sup>29</sup> establishes the right of a convict to visit children twice a month. Convicted women who have a child are allowed to keep the child until the end of the sentence, with a limit of until the second year of life, upon which the child’s parents decide whether to entrust the child to a father, other relatives, or other guardians. When the parents do not agree or when their agreement is deemed detrimental to the child, the court competent for the residence or stay of the mother at the time of the decision shall decide on the entrustment of the child.

153. After admission to the relevant institution, when determining the treatment and determining the program of treatment for each convict, the individual’s needs, health condition, working ability, family status, and level of education are taken into account. Convicted pregnant women, as well as women with children, are accommodated in a special part of the institution, where they are assisted by professional staff and where the space for the child is arranged in accordance with the standards of a nursery. Convicted women are provided with schooling and education, as well as training for a number of occupations.

## **IX. Education, leisure and cultural activities (Articles 28, 29, 30 and 31)**

### **A. Equal opportunities in education (Article 28)**

#### **Information relating to paragraph 55**

154. In the 2019/20 school year, classes were held in 1,184 primary schools and 446 secondary schools, 61 primary and secondary music and ballet schools, 48 adult education schools, 44 primary special schools, and 23 secondary special schools.

155. In addition to the Law on the Prohibition of Discrimination, the normative framework for eliminating the segregation of Roma children consists of the Law on Primary Education and the Law on the Fundamentals of the Education System. In accordance with the Law on the Foundations of the Education System from 2018, the following rulebooks were adopted: the Rulebook on detailed instructions for determining the right to an individual educational plan, its application, and evaluation; the Rulebook on additional educational, health, and social support to children, students, and adults; the Rulebook on criteria and standards for providing additional support in the education of children, students, and adults with disabilities in an educational group, i.e., in another school or family; the Rulebook on pedagogical assistants and andragogical assistants; and the Rulebook on the manner of adapting textbooks.

<sup>29</sup> “Official Gazette of RS,” No. 55/14.

156. The Law on Primary and Preschool Education pays special attention to inclusive education through the provisions on the enrolment of children from vulnerable social groups. It stipulates that children from vulnerable social groups can enrol in school without proof of parental residence or necessary documentation. In addition, if it is not possible to examine the child for enrolment in his/her mother tongue, the school shall provide for an interpreter at the suggestion of the national council of the national minority. In accordance with Art. 56 of the same law, a child or student shall be enrolled in a school for the education of students with disabilities on the basis of the opinion of the interdepartmental commission for assessing the need for additional educational, health, or social support, with the consent of parents or other relevant legal representatives.

157. RS is fully committed to the development of inclusive education, which is a strategic principle defined in all the relevant strategic documents, while an Action Plan for Inclusive Education has been adopted. The data indicate a declining trend in the number of children in “special” schools and classes. In the period from 2013 to the writing of this report, this number decreased by about 20% and this trend is poised to continue. These achieved results indicate the effectiveness of two key mechanisms that were established in this context: the Individual Education Plan (IEP) and the Interdepartmental Commission (IRC), which consists of representatives of three systems: health, social protection, and education. An evaluation of the functional abilities of a qualifying child are carried out in a natural environment, and the commission assesses the child’s strengths and capacities and the need for additional support, based on which it issues an opinion and defines an individual support plan (IPP).

158. Free textbooks are provided to students who are educated according to an individual educational plan – IEP, and relevantly customized free textbooks (in Braille, with enlarged font, or in electronic format) are provided to students with disabilities. More detailed information is contained in Annex III.

159. MHMRSD has announced a series of social dialogues in cooperation with the competent line ministries, children, and relevant civil society organizations on the development of critical thinking as part of a legislative amendment initiative proposing that each textbook develop critical thinking, which is the foundation of education in a functional democracy.

160. Children’s view: Numerous children lacked access to digital devices to monitor online instruction during the Covid-19 pandemic. There is a lack of education that fosters democracy in the education system.

## **B. Objectives of education in regard to the quality of education (Article 29)**

161. In the field of education, professional development, and the professional development of teachers, the positions of educators and professional associates are defined by the Law on the Fundamentals of the Education System (Article 51). The Rulebook on Continuous Professional Development and Advancement to the Titles of Teachers, Educators, and Professional Associates elaborates the application of the Law.

162. In the Catalogue of the program of continuous professional development of teachers, educators and professional associates for the school years 2018/2019, 2019/2020, and 2020/2021 there were a total of 32 programs dealing with human rights.<sup>30</sup> Seven programs are featured in the field of improving competencies for civic values, while 24 programs aim to improve the capacity of teachers and other professional associates to act in the field of protecting against violence and discrimination.

<sup>30</sup> <http://zuov.gov.rs/katalozi-programa-stalnog-strucnog-usavrsavanja>.

163. In order to strengthen the competencies of teachers involved in Civic Education, three manuals<sup>31</sup> have been developed addressing areas related to the Convention on the Rights of the Child.

### **C. Rights to education of children belonging to minority groups (Article 30)**

164. Children belonging to national minorities, in primary or secondary school, are provided with three modalities in education: teaching in the mother tongue is conducted in eight languages (Albanian, Bosnian, Bulgarian, Hungarian, Ruthenian, Romanian, Slovak, and Croatian); bilingual classes – in their mother tongue and in Serbian (conducted in Bulgarian and Serbian in primary school); and classes in Serbian language, with the elective subject – *Mother Tongue Speech with Elements of National Culture*. For students who attend all classes in one of the eight languages of the national minorities, as well as for students who attend the elective program Mother Tongue Speech with Elements of National Culture, a total of 946 textbook units have been made available, of which 483 were published under reformed curricula. For the school year 2020/21, and having in mind the importance of access to education for all, MESTD in charge of education also provided free textbooks in the languages of national minorities through the program of free textbooks. This program additionally provides support to students from socially/financially disadvantaged families.

165. With the goal of completely eliminating dropping-out from primary education, an instrument for recognizing students at risk of dropping out of school early (EWIS) has been created and is being applied in educational institutions.

166. Through the application of affirmative action measures, 12,427 Roma students (56% girls) have been enrolled in secondary schools and 1,743 Roma students (51% girls) have been enrolled in colleges and universities since 2003. A system for monitoring regular attendance and achievement has been established and made available to students. More detailed information is contained in Annex III.

167. In response to the Covid-19 crisis, distance learning support was provided through individualization measures and equipment procurement in cooperation with various donors, e.g., with the support of the Roma Education Fund and the Open Society Foundation. In total, 550 IT devices were procured and distributed to schools for enable the educating of Roma students lacking the necessary IT equipment to monitor distance learning.

### **D. Rest, play, leisure, recreation and cultural and artistic activities (Article 31)**

168. In 2020, the Panel of Young Counsellors pointed out to the Protector of Citizens that the transition to distance learning, and later to online teaching, had adversely affected the rights of children and youth to quality education, as well as the right to socialize and rest.

169. MESTD in charge of education, along with other state bodies, independent human rights bodies, civil society organizations, and in cooperation with representatives of the international community and the media, marked important international dates in the field of children's rights. A competition for the cultural activities of children and for children and youth is also in operation, with the goal of improving the participation of children and youth in the cultural life. In 2021, the amount of funds intended for projects for children and youth increased by almost 10 million dinars compared to five years before and now amounts to 35 million dinars. Through the Competition for co-financing projects in the field of cultural activities of national minorities and for cultural activities for persons with disabilities, projects aimed at children and youth are also supported.

<sup>31</sup> <https://zuov.gov.rs/wp-content/uploads/2020/10/Prirucnik-prvi-ciklus-approved.pdf>;  
<https://zuov.gov.rs/wp-content/uploads/2020/10/Prirucnik-drugi-ciklus-approved.pdf>  
<https://zuov.gov.rs/wp-content/uploads/2020/12/gradjansko-srednja-skola.pdf>.

## **X. Special protection measures (Articles 22, 30, 32–33, 35–36, 37 (b)–(g), 38, 39 and 40)**

### **A. Children of refugees and internally displaced children, unaccompanied children/asylum seekers, children of migrants (Article 22)**

#### **Information relating to paragraph 57**

170. RS is a country that has been exposed to increased pressure of mixed migration flows through its territory for several years. Most of these people transit through its territory, staying for a short period of time, while only a small number register their intention to stay and start the asylum procedure. The Republic of Serbia has opted for a humanitarian approach to this problem, which includes assistance to all migrants and refugees, regardless of their legal status.

171. There are seven asylum centres and 12 reception centres. The total capacity is 6,000 beds, with the possibility of raising the capacity by another 20% (10% by using facilities intended for shorter stays in case of need, and an additional 10% through the conversion of parts of common areas). In 2021, a total of 68,308 persons were documented as having passed the centres overall, of which 4,186 (6%) were children (1,346 unaccompanied). In 2022 (by the end of April) 22,668 persons had passed through the centres, of which 1,117 (4.9 %) were children (359 unaccompanied children).

172. The legal framework prescribes the principle of non-refoulement. In March 2018, the new Law on Asylum and Temporary Protection was adopted. The law specifically establishes the rights of minors and unaccompanied minors, the rights of asylum seekers who belong to vulnerable categories of persons (including minors), and the realization of the best interests of minors. Additionally, the Law recognizes the principle of family unity, which stipulates that the competent authorities shall take all available measures to maintain family unity during the procedure, as well as after the approval of the right to asylum or temporary protection.

173. In accordance with the Law on Asylum and Temporary Protection, the Commissariat for Refugees and Migration provides material conditions for the reception of asylum seekers, provides temporary accommodation to persons granted the right to asylum in accordance with regulations governing migration management, and conducts voluntary return programs for foreigners to their country of origin and integration programs for persons granted the right to asylum in RS.

174. The Law on Asylum and Temporary Protection provides for special procedural and acceptance guarantees for children, and especially for unaccompanied minors. Therefore, the identification of special needs is an ongoing process, from admission to the centre and throughout the entire asylum procedure. In 2017, the Instruction on the Procedure of the Centres for Social Work and Social Welfare Institutions for the Accommodation of Beneficiaries in Providing Protection and Accommodation to Unaccompanied Minor Migrants was adopted, and later amended, in 2018. In accordance with the Instruction, the relevant guardianship authorities are to provide a measure of emergency guardianship protection for each child unaccompanied by a parent or other person, as well as provide safe accommodation and health care; they are to meet the existential needs and protect the rights and interests of the child (representation).

175. In order to achieve prescribed standards of accommodation, significant funds have been invested in infrastructure (maintenance, reconstruction, and equipping of spaces). Centres for accommodation of families (5 centres) and of unaccompanied minors (1 centre) are specially designated, while adult men are accommodated in other centres. The conditions in these centres have been adapted in accordance with the needs of users.

176. The Commissariat for Refugees and Migration provides funds for the accommodation of unaccompanied minors in a social welfare institution or a foster family if it is in the best interests of the child, based on the decision of the competent centre for social work.

177. In November 2018, a revamped wing of the *Jovan Jovanović Zmaj Children's Home* in Belgrade was opened after being renovated and adequately renovated to suit the needs of unaccompanied children. Since its opening, this home has housed exclusively unaccompanied children.

178. In addition to significant infrastructure investments, significant activities have been undertaken to standardize the services of asylum centres provided by different actors. The food service is provided in accordance with the menu made in cooperation with the National Institute of Public Health, and regular control is performed to evaluate the adequacy of the food and the quality of meals.

179. Health care is provided in each centre by the local health centre in the asylum centres themselves, for 4 to 12 hours a day depending on the needs, while the local emergency service covers the rest of the day. According to doctors' instructions, persons are referred to secondary and tertiary health care in the same way as all citizens of RS. RS was one of the first countries in the world to include the migrant population in the regular immunization program. During the measles epidemic, no cases of infection of migrants were recorded, and for almost the entirety of 2020, no migrants were documented as infected with the coronavirus.

180. Mental health care and psychological support are provided by on-site psychologists, who are present in all centres in accordance with the Guidelines for the Protection and Promotion of the Mental Health of Refugees, Asylum Seekers and Migrants in RS, developed in cooperation with the World Health Organization. As an additional form of support, recreational activities and various workshops aimed at involving and empowering service beneficiaries are coordinated. Standards for service providers in the field of psycho-social support and non-formal education adapted particularly to this category of users have been developed, as have standards for the organization of educational activities in the centres. In cooperation with UNICEF, a Review of Measures to Preserve the Welfare of Users with a Focus on Preventing Exploitation and Abuse has also been developed.

181. All children, regardless of their legal status, are included in regular pre-school and primary education, which is compulsory. Transportation to the educational institution is provided. Children are also entitled to free secondary education. During the pandemic, children were provided with tablets and additional support in learning and doing homework. Since 2017, the Professional Instruction for the Inclusion of Refugee Students in the Education and Preschool System has been applied in all schools attended by migrants and refugees. For students attending online classes, schools receive printed educational material through relevant reception centres, while communication typically takes place via Viber, Google classrooms, or other media channels with the support of colleagues from the reception centres. The translation of educational material into the mother tongues of migrant students is provided through hired translators, with the translated material published on the *remis.rs* website and made available to all schools; translation activities are planned to continue through the end of the current semester. More information can be found in Annex III.

<i>School year</i>	<i>Number of migrant students in the education system</i>	<i>% covered</i>
2017/18	574	95%
2018/19	420	95%
2019/20	208	92%
2020/21	162	85%
2021/22	127	87%

*Source:* MESTD.

182. Appropriate information for asylum seekers is provided by reception staff, international organizations, and civil society organizations. Translation service is provided. The focus is on the House Rules, the grievance mechanism, access to the asylum procedure, assisted voluntary return (AVR), and legal aid. Various printed and video materials translated into several languages have been produced. A brochure called "*Dangerous Journey*" was

made for unaccompanied children. The brochure has been translated into five languages: Farsi, Arabic, Pashto, Urdu, and English.

183. In the reporting period, out of a total of 883 voluntary returns of migrant to their country of origin, 111 children travelled with their families, with no instances of the return of unaccompanied minors.

184. Employees working directly with migrants and asylum seekers are continuously involved in relevant training. Also, the centres apply the Standard Procedures for the Protection of Refugee/Migrant Children, as well as the Procedures for Protection against Gender-based Violence and Human Trafficking. During the reporting period, 108 employees of the Commissariat received thematic trainings on child protection.

185. Monitoring of accommodation conditions in facilities has been developed in cooperation with UNHCR. Reports on the situation in the centres are published on the website of the Commissariat and the UNHCR. Additionally, an application for the coordination and management of reception facilities has been developed, in line with EU guidelines on reception conditions. This application enables the monitoring of reception services and standards on a daily basis. In cooperation with European Union Agency for Asylum (EUAA), has adopted a new Action Plan for the Improvement of the Asylum System, including Reception 2020–2022. As part of the cooperative efforts with the EUAA, a new matrix of indicators for monitoring material conditions has been developed.

186. Within the infrastructure of the social protection system, three organizational units for temporary residence have been formed for the accommodation of minors unaccompanied by an adult responsible person: the Institute for Education of Children and Youth in Belgrade; the Centre for Protection of Infants, Children and Youth in Belgrade (capacity of 25); and the Institute for Education of Children and Youth in Nis (capacity of 15). The centres keep records of the number of received users, and their gender, age, and country of origin. The admission and registry books are kept and personal files are created. In the area of AP Vojvodina, children can be accommodated in shelters in Subotica and Novi Sad. In Novi Sad, there is a capacity for the accommodation of 10 unaccompanied minors, while other shelters on the territory of the Republic are also ready to take care of migrant/refugee minors if necessary. Such accommodation is temporary and may last until the moment when the minor immigrant wishes to obtain asylum, in accordance with the Law on Asylum, whereby his/her accommodation shall be provided at the Asylum Centre. Since the beginning of the still ongoing migrant crisis, the social protection system has provided support to tens of thousands of users, with over 100,000 different interventions, and provided accommodation in social protection institutions for slightly over 1,000 minors without parental and guardian support. The Standard Operating Procedures and Model of Professional Guardianship from 2019 have been recognized by the Council of Europe as an example of good practice in the protection of children in the context of migration.

## **B. Children belonging to minorities or indigenous groups (Article 30)**

### **Information relating to paragraph 59**

187. During the reporting period, the Law on the Prohibition of Discrimination, the Law on National Councils of National Minorities, the Law on the Protection of the Rights and Freedoms of National Minorities, and the Law on the Official Use of Languages and Scripts were amended. Strategy for the Social Inclusion of Roma Men and Women 2022 to 2030 was adopted, which contains concrete measures and activities in the field of improving the position of the Roma. The Strategy for Deinstitutionalization and the Development of Community Social Protection Services for the Period 2022 to 2026 was also adopted.

188. In 2020, at the initiative of the Council for the Rights of the Child, the analysis “Availability of services and support measures for Roma children at the local level” was carried out in the field of social, educational, and health care. (The results of this analysis are contained in Annex III).

189. CSOs play a significant role in promoting the inclusion of Roma children at the local level and are an important partner to institutions and decision-makers.

190. CSO projects and programs in the field of improving the position of Roma men and women are supported at the national, provincial, and local levels. Since 2017, MHMRSD has supported 116 projects/programs through public calls, with funds in the amount of about 50 million dinars; projects have included media campaigns, public forums, and events aimed at preventing discrimination and hate speech against this minority group. The Decree on the Procedure for the Allocation of Funds from the Budget Fund for National Minorities adopts the Program for the Allocation of Funds from this fund every year, based on the proposals of the National Councils of National Minorities, and determines the priority areas of financing.

## **C. Economic exploitation including child labour (Article 32)**

### **Children living and working on the streets**

#### **Information relating to paragraph 61**

191. According to the data of the Republic Institute for Social Protection, there are three temporary accommodation centres/shelters for children living and working on the streets: in Belgrade, Nis, and Novi Sad. Representatives of organizations and institutions that come into direct contact with begging children have concluded, based on their experience, that as many as 90% of begging children are victims of exploitation and are forced or directed to do so by (most often) their families.

192. The Council for the Rights of the Child included as part of its fundamental obligations, in the Decision on the Education of the Council (2018), the duty to “monitor, inter alia, the situation in the field of protection of children’s rights in the street situation and coordinate the monitoring of the implementation of national provisions to prevent child abuse.”

193. In April 2022, the Centre for Youth Integration presented to the public the results of a report on the five-year implementation of CRC General Comment 21.

194. Within the project “Engagement and support at the national level to reduce the incidence of child labour”, which was implemented from 2016 to 2018 with the support of the International Labour Organization in Serbia, training was conducted for 81 representatives of labour inspection, social work centres, and police on identifying and preventing child labour abuse. In the reporting period, the Decree on Determining Dangerous Work for Children,<sup>32</sup> the Checklist for Labour Inspection and the Roadmap for Eliminating Child Abuse in Serbia were adopted, including recognition of the worst forms of child labour. From 2018–2022, the following guiding documents were adopted: the Special Protocol for Labour Inspection for the Protection of Children from Child Abuse; the Instruction on the Procedure of the Centre for Social Work in Protecting Children from Child Abuse; and the Instruction on the Conduct of Labour Inspectors in Carrying out Inspections to Protect Children from Child Abuse. Additionally, proposals were made for amendments to the Labour Law and the Law on Public Order and Peace regarding those sections related to the protection of children from child labour abuse, while the findings of the *Study on Child Labour Abuse in Agriculture in RS* were presented. Statistics data – CSW in Annex III.

195. In order to effectively apply General Comment no. 21 on Children in the Street Situation, CRC, the ministries in charge of family affairs, social protection, and internal affairs, and the Republic Public Prosecutor’s Office have drafted a Plan for protection of children in the street situation in RS from violence, neglect, and exploitation.

## **D. Sexual exploitation and human trafficking**

#### **Information relating to paragraph 63**

196. Measures for the prevention and suppression of trafficking in human beings and the exploitation of minors in pornography and prostitution are defined in the National Strategy for Prevention and Suppression of Trafficking in Human Beings, Especially Women and

<sup>32</sup> “Official Gazette of RS,” No. 53/17.

Children, and the Protection of Victims 2020–2023 and its accompanying action plan, as well as in Strategy for the Fight against High-Tech Crime (2019–2023).

197. Since 2019, new organizational structures have been established within MIA: the Office for the Coordination of Activities in Combating Trafficking in Human Beings in the Police Directorate, the Department for the Suppression of Trafficking in Human Beings and the Smuggling of People, and the Department for the Suppression of Illicit and Harmful Content on the Internet in the Criminal Police Directorate.

198. As of March 2017, the Anti-Trafficking Council has been chaired by the Minister of the Interior, and its members include: the First Deputy Prime Minister, Minister of MESTD, Minister of Finance, Minister of MLEVSA, Minister of Health, and the Minister of Justice. The Council has held two sessions, at which the Standard Operating Procedures for the Treatment of Victims of Trafficking in Human Beings were adopted and Recommendations for the improvement of a proactive system for detecting cases of trafficking in human beings, of the efficient prosecution of natural and legal persons, and of the legal protection of victims of trafficking in human beings.

199. In February 2019, within the Centre for the Protection of Victims of Trafficking in Human Beings, the Shelter for Urgent Accommodation of Victims of Trafficking in Human Beings was opened, which is available 24 hours a day, with a capacity to accommodate up to six users (for girls and women over 16). Indicators have been developed: for the preliminary identification of child victims of trafficking for the education system and the social protection system; and for the formal identification of child victims of trafficking, sorted by forms of exploitation; and for assessing the risk of trafficking in human beings for migrant children.

200. In 2018, MIA, MLEVSA and the Republic Public Prosecutor's Office established a Protocol on Cooperation in Combating Trafficking in Human Beings and Protecting Victims of Trafficking. In December 2019, an Agreement between the Serbian and Northern Macedonia Government on cooperating in the fight against human trafficking was signed, which represents the first such agreement signed by RS. In January 2020, a Memorandum of Cooperation was signed between MIA and CSOs "ATHENS" and "ASTRA".

201. The new Law on the Protector of Citizens stipulates that the Protector of Citizens shall act as a national rapporteur in the field of trafficking in human beings in accordance with the ratified CoE Convention against Trafficking in Human Beings.<sup>33</sup>

202. In November 2021, the Instruction on the Procedure of Employees of MIA in Trafficking Cases was issued, with indicators for the preliminary identification of victims of trafficking for the police and for written information on the rights of victims of trafficking and available support.

203. In accordance with the Program of Professional Development of Police Officers, the mandatory theoretical class "The concept, recognition, and response of the police to the crime of trafficking in human beings" was implemented, which in the period from 2019 to 2020 was attended by 56,437 police officers, which, in accordance with the Police Intelligence Model, should contribute to the improvement of proactive investigations.

204. The staff of the Asylum Office have successfully completed trainings organized by the European Asylum Support Office (EASO) in the fields of identification of victims of trafficking, of interviewing victims, and in the bases for granting international protection to these categories of persons.

205. MIA has established a free telephone line for reporting suspected trafficking (0800 100 388) and correspondingly trained 10 police officers.

206. Police Officers of MIA have access to the Handbook "Supporting Young Male Refugees and Migrants Who Are Survivors of at Risk of Sexual Violence: A Fieldguide for Frontline Workers in Europe."

207. At the annual level, about 350 juvenile victims of sexual offenses are registered (about 90% female). A quarter of the criminal acts from this group are of a violent nature, i.e., they

<sup>33</sup> "Official Gazette of RS – International Agreements," No. 19/90.

have been committed with the use of violence or with the threat of violence. The other 75% of crimes have been committed by abusing the relationship of trust, dependence, and situational opportunities or by exploiting various psychophysical states of the victim (childish naivety, inability to physically defend themselves, various restrictions, etc.). In addition, on average 80 to 100 juveniles are exploited annually for extramarital affairs, and approximately 10 for sexual exploitation in the context of trafficking in human beings. In the reporting period, in the area of combating trafficking in human beings, a total of 72 juveniles were registered (83% of the total number), of which 12 were male victims (17%). Sexual exploitation is dominant in this context – 69% (in the form of prostitution – 47%, forced marriage – 11%, and pornography – 11%), with significantly less exploitation of children for the purposes of begging (11%) and forced labour (about 10%). The exploitation of minors for committing criminal acts (1.5%) and the establishment of slavery or similar relations (1.5%) was documented to a lesser extent, while in the remaining five cases (7%) the form of exploitation was not known. One criminal offense of trafficking in minors for adoption was committed, whereby, after the illegal adoption, the child remained, in the same city where he was born, though his municipality of residence was changed.

208. Since the beginning of the work of the National Academy of Public Administration in March 2018, within the General Training Program for Civil Servants on “Improving the Prevention and Suppression of Trafficking in Human Beings at the National Level,” three trainings involving 90 participants have been conducted. Also, within the General Training Program for Employees in Local Self-Government Units for 2021, the training program “Improving the Prevention and Suppression of Trafficking in Human Beings at the Local Level” was developed. Within the National Academy of Public Administration, the accredited program “Application of indicators for the preliminary identification of victims of human trafficking” has been implemented 11 times since 2017 has been attended by a total of 217 participants. Additionally, the program “Support to Victims of Trafficking in Human Beings in the Social Protection System – Identification, Needs Assessment, and Support Planning” has been implemented twice, attended by 49 participants.

## **E. Application of juvenile justice**

### **Information relating to paragraph 65**

209. Amendments to the Criminal Code made in 2019<sup>34</sup> stipulate that a sentence of life imprisonment may not be imposed on a person who has not reached the age of twenty-one at the time of the commission of the criminal offense.

210. The Law on Free Legal Aid has been in force since October 1, 2019. The law explicitly stipulates that included among those persons who may exercise the right to free legal aid are: a child whose right, obligation, or interest based on law is decided in a procedure before a court, other state body, or public authority; a child protected by accommodation in the social security protection system; and children and young people whose social accommodation service has been terminated – applicable until they reach the age of 26.

211. The rights of minors and conditions of their detention are regulated by the current Law on Juvenile Delinquents and the Criminal Protection of Juveniles, in line with international standards.<sup>35</sup> The judge may order detention exceptionally, if the purpose for which the detention was ordered cannot be achieved by the measure of temporary accommodation referred to in Article 66, paragraph 1 of the Law on Juveniles. Currently, there are 22 minors in custody. In the District Prison in Belgrade, which houses the largest number of persons in detainment, for the particularly sensitive category of juvenile detainees, activities in the institution are carried out by the expert team of the institution. It is planned that this institute will renew its long-term cooperation with the Obrenovac Elementary School for Adult Primary Education, as soon as the conditions caused by the pandemic of the COVID-19 virus allow it, thereby bring the currently planned activities to completion. Due to the low percentage of detained juveniles, the child psychiatrist on staff, who is employed for an

<sup>34</sup> “Official Gazette of RS,” No. 35/19.

<sup>35</sup> “Official Gazette of RS,” No. 85/05.

indefinite period of time in this institution, also visits other prisons where juveniles are in detention. Future amendments to the Law on Juveniles are planned to explicitly prescribe the avoidance of detention and other restrictions on the personal freedom of minors and detention; to apply them only when deemed absolutely necessary and if such measures cannot be replaced by other milder measures; and to apply such measures for the shortest possible time.

212. In 2021, 12 recommendations of the National Preventive Mechanism regarding the deprivation of the liberty of children and their conditions of detention and treatment were acted upon, representing 92.3% of the received recommendations (for those recommendations for which the outcome of the action has been brought to a conclusion). Of the total 54 recommendations sent, 12 were acted upon, 1 recommendation was not acted upon, for 12 recommendations it was assessed that further monitoring is needed, and 29 recommendations are in the process of being reviewed.

213. The project “Strengthening the Justice and Social Protection System to Improve the Protection of Children in RS” enabled the establishment of a network of free legal aid providers through the provision of initial and final mapping of the capacities of free legal aid providers and through supporting the network in capacity-building and promotional activities. The Judicial Academy, within the Program for Continuing Training, regularly holds seminars on the topic “Juveniles as perpetrators of criminal acts and juveniles as victims of criminal acts.”.

## **F. Child victims and witnesses of crime**

### **Information relating to paragraph 67**

214. In the judicial system the criminal status of juveniles as perpetrators of criminal acts and as injured parties was regulated in 2005 with the issuance of the Law on Juvenile Delinquents and the Criminal Protection of Juveniles as a lex specialist in relation to the Criminal Code, the Criminal Procedure Code, and the Law on the Execution of Criminal Sanctions.

215. Juveniles as vulnerable persons represent a specifically vulnerable category in criminal proceedings. During the interrogation, the minor injured party must be provided with a proxy when called upon by the court. During the criminal proceedings against the injured party, the age, education, and circumstances in which he/she lives must be taken into account in order to avoid possible harmful consequences of the proceedings for his/her personality and development. The interrogation is conducted in the presence of a psychiatrist, pedagogue, or other relevant expert, and for the established criminal offenses the interrogation may be conducted no more than twice, though exceptionally more, if deemed necessary for the purpose of the criminal proceedings, and it must be carried out using technical means for image and sound transmission in specially equipped premises without the presence of the other parties and participants in the proceedings. The interrogation may also take place in an apartment, room, or other institution qualified for interrogation. In special cases, confrontation between a juvenile and the perpetrator is prohibited, while if processes of recognition are to be performed, special care must be taken.

216. The new Law on Juvenile Delinquents and the Criminal Protection of Juveniles seeks to achieve optimality between the need to maintain good and to apply in-practice, vested, normative solutions of the incumbent Law, while at the same time eliminating any relevant shortcomings and, through a series of innovative amendments, improve the country’s substantive, procedural, and executive legislation.

217. The National Strategy for the Realization of the Rights of Victims and Witnesses of Criminal Offenses 2020–2025 has been adopted, along with the accompanying Action Plan. This document represents an important step in the process of the strategic improvement of the position of certain categories of victims, including the protection of child victims and witnesses of crimes. In the Strategy, children are recognized as a particularly vulnerable category of victims, who, in addition to the protection measures enjoyed by all victims of crime, also have special measures at their disposal, including: the possibility of interviews with children to be realized through audio-visual recordings for such recordings to be

accepted as permissible; the appointing of a temporary representative in situations where this is necessary; and the appointment of a proxy to exercise the child's right to legal aid and representation. Although these guarantees have existed in writing since the adoption of the Law on Juvenile Delinquents and the Criminal Protection of Juveniles, problems in their implementation have been identified in practice; thus, the Strategy emphasizes that in the coming period it is necessary to monitor the consistent application of the normative framework in practice and to identify actions that can be taken to overcome any shortcomings observed.

218. On 22 April 2021, the Government adopted a decision on the establishment of a Coordination Body for the Support of Victims of Crime and Witnesses in Criminal Proceedings, whose task is to continuously monitor and improve support provided to victims of crime and witnesses in criminal proceedings, including monitoring the implementation of the National Strategy for the Realization of the Rights of Victims and Witnesses, along with the accompanying Action Plan. Two sessions of this body have been held (September 3, 2021 and March 22, 2022). All relevant institutions are currently engaged in compiling reports on the implementation of Strategy.

219. Guidelines for the preparation of children for trial and forensic interviewing in relation to child victims and witnesses of crime in criminal proceedings have been developed. Regarding children in civil proceedings, *Guidelines for experts in the justice and social protection system* have been developed for assessing the best interests of the child. Activities have also been organized for awareness raising in all basic and higher courts for judges, for representatives of centres for social work, and for lawyers, while technical assistance carried has been provided for the improved regulation of data management in courts.

220. MJ has amended the Rulebook on the Organization and Systematization of Workplaces to establish the position of the Coordinator of Support Services for Victims and Witnesses of Criminal Offences. The implementation of activities related to the establishment of positions devoted to the support of victims and witnesses of crimes at higher courts has been initiated.

221. The "Training Program for Taking Testimony from Children and Young Victims and Witnesses in Criminal Proceedings" has been accredited, though this program has yet to be implemented. Through the project "Strengthening the justice and social protection system to improve the protection of children in RS," supported by the EU and UNICEF, progress has been made in improving the rights of children in contact with the justice system and with social protection institutions.

222. Children's view: Children lack information about their rights in court proceedings. The justice system is not adapted to the language level of children.

## **G. Children in armed conflict, including the right to physical and mental recovery and social reintegration (Articles 38 and 39)**

### **Information relating to paragraph 71**

223. Amendments to the Law on Military, Labour, and Material Obligations<sup>36</sup> stipulate that a conscription obligation arises in the calendar year in which a RS citizen turns 18. These changes improve the position of the child and protect the rights of a child by prohibiting recruitment before the individual becomes an adult.

224. The relevant legal instrument governing conscription does not provide for voluntary participation in conscription, and there is no possibility that allows for a person otherwise capable of military service to be exceptionally recruited in the calendar year in which he/she turns 17 (or younger), neither at his/her own request or during a state of war. In accordance with the above, there is no legal possibility or practice to impose military service on minors or the possibility to participate directly or indirectly in armed conflicts.

<sup>36</sup> "Official Gazette of RS," No. 88/09, 95/10 and 36/18.

## **H. Children in cases of exploitation, including physical and psychological recovery and social reintegration (Articles 32, 33, 34 and 35)**

### **Information relating to paragraph 69**

225. Although the sale of children has not yet been officially criminalized in criminal law, the Criminal Code, in Art. 388, prescribes the related crime of trafficking in human beings.

226. Article 78 of the Law on Public Information prescribes the conditions for prohibiting the exposure of minors to pornographic content in printed media. The provisions of a special law governing electronic media apply to pornographic audio and audio-visual media content, as well as to content distributed via the Internet.

227. The Strategy for the Prevention and Protection of Children from Violence for the Period from 2020 to 2023 recognizes the criminal offenses of: child abuse in child trafficking, prostitution, and pornography, child exploitation for prostitution, child exploitation for pornography, and child trafficking for adoption.

228. The “*Armageddon*” operation, whose aim is to protect minors from exploitation in pornography and prostitution via the Internet, is carried out by the Department for Combating High-Tech Crime of MIA, in cooperation with the Special Prosecutor’s Office for High-Tech Crime and police administrations. As part of this operation, they are taking measures to identify perpetrators of the criminal offense of showing, obtaining, and possessing pornographic material and the exploiting of a minor for pornography. On the territory of the Republic of Serbia, about 50 of these crimes are reported annually on average, corresponding to the same number of perpetrators.

## **XI. Ratification of international instruments for human rights**

### **Ratification of international human rights instruments**

#### **Information relating to paragraphs 73 and 74**

229. RS co-sponsored a UN resolution adopting the Optional Protocol to the CRC allowing for individual petitions and was one of the first signatories to this Protocol (2004), demonstrating its commitment to the protection of children’s rights. MHMRSD will organize a social dialogue regarding the ratification of this optional protocol, in accordance with its competencies, to initiate the adoption of the Law on the Ratification of the Third Optional Protocol.

230. As part of the third cycle of UPR responded, in the medium-term report, that the proposal for the ratification of the ICPRMW International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had been considered, explaining that national legislation represents an adequate framework for the protection of migrant workers, as it guarantees them the same rights as domestic workers.

## **XII. Cooperation with regional bodies**

231. RS maintains cooperation with the Council of Europe, of which it has been a member since 2003, and with the Organization for Security and Cooperation, through activities and projects in the field of democracy and human rights, as evidenced by the relevant reports

### **Implementation of the Convention on the Rights of the Child in the territory of the Autonomous Province of Kosovo and Metohija**

232. The AP KiM is under the management of the United Nations Interim Administration Mission in Kosovo (UNMIK) pursuant to the current UN Security Council Resolution 1244. Although this resolution confirms that the AP KiM is an integral part of RS, the competent

authorities do not exercise effective authority, so there are no conditions for submitting data on the implementation of the Convention in AP KiM. However, certain competencies were retained in areas with a majority Serb population, as since June 1999, the endangered population has instinctively gathered in smaller areas and in villages in which they make up the majority, primarily for physical protection and defence against various attacks by the majority community and preservation of life and security. Such settlements are now commonly referred to as enclaves. Apart from Kosovska Mitrovica, there are virtually no more Serbs in urban settlements. In these areas with a majority Serb population, the laws and institutions in the field of education, health, and social protection are still valid.

233. In this constellation, the primary task of KKiM is to draw attention to and answer questions from the international community regarding the quality of life and respect for human rights and freedoms for Serbs in AP KiM and non-majority communities in general.

234. In terms of concrete assistance, KKiM takes responsibility for the management of a narrow margin of issues relevant to the report on the implementation of this Convention which in AP KiM are not already covered by the vertical competence of other relevant government bodies. These are: the procurement of firewood for rural schools; materials for the repair or rehabilitation of schools and schoolyards, and sometimes for the construction of new schools. Through its liaison officer, KKiM seeks to provide textbooks, school subject books, and other printed books, as authorities in Pristina actively opposes and seeks to ban and prevent the entry of any books written in the Serbian language.

235. KKiM pays out a one-time annual material assistance allowance to socially endangered families, according to the list submitted by the competent centres for social work in Kosovo and Metohija, which directly contributes to the better position of children in these families. KKiM also provides transportation for primary and secondary school students in areas where it is not a question of transport, but of student safety. From 2017 to May 2022, a total of 25 attacks on children (minors) were documented as having been carried out in AP KiM, including among them: two attempted kidnappings; one attempted rape; one knife attack; two attacks and one instance of intimidation with a firearm; nine physical attacks; and nine verbal attacks and threats.

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