

## Contribution to the Serbia 2024 Annual Report

### The Network of Organizations for Children of Serbia (MODS)

The progress achieved in the field of child rights and the state of vulnerable children

#### Overview of the legal framework on governing children's rights

The legislative framework regarding children's rights in the Republic of Serbia is facing a significant setback due to the slow progress in adopting and amending relevant laws. It's crucial to take prompt measures to expedite the procedures for passing and amending laws that are of fundamental importance for safeguarding the rights of the child.

1. **Law on the Rights of the Child and the Ombudsman for Children** remains pending: In 2023 there has been no progress on the draft Law on the Rights of the Child and the Ombudsman for Children since the public hearing that took place in 2019, as proposed by the Ministry of Labour, Employment, Veterans and Social Affairs.

It is crucial to adopt this law promptly to ensure that children receive the necessary care and attention they deserve. This law would enable the harmonization of national law with ratified international treaties and align with various laws that partially govern child rights. Therefore, it is highly recommended to take swift action to ensure the prompt adoption of this law.

2. **Family Law:** In 2023, there was no progress made in amending the Family Law in Serbia. The Working Group for Amendments to the Family Law, chaired by the Ministry of Family Care and Demography, was established in the previous mandate of the Government of the Republic of Serbia. The work plan of the Government of the Republic of Serbia for the year 2023 foresaw the proposal of the law on amendments and additions to the Family Law for June 2023, but that plan was not implemented.

It is highly recommended for the Government of the Republic of Serbia to prioritize the adoption of the proposed amendments and additions to the Family Law. The law should define the term "child," prohibit physical punishment of children, and ban child marriages by removing the exceptions that allow marriage under the age of 18. This will ensure the protection of children's rights, prevent violence, and promote healthy family relationships.

**3. Third Optional Protocol to the Convention on the Rights of the Child** on communication procedures: There was no progress in 2023 - Serbia signed the Third Optional Protocol to the Convention on the Rights of the Child on communication procedures, but this Protocol has not yet been ratified. The draft law on the ratification of the Optional Protocol to the Convention on the Rights of the Child on communication procedures was in the Government's Work Plan for December 2023, but was not implemented.

Ratifying the protocol would demonstrate the country's commitment to protecting and promoting the rights of children. The communication procedures laid out in the protocol would also provide children with a mechanism to submit complaints to the United Nations Committee on the Rights of the Child. This would help in ensuring that children's rights are respected and upheld. Therefore, it is important that the draft law on the ratification of the Optional Protocol to the Convention on the Rights of the Child be implemented as soon as possible.

**4. Law on Social Protection** - There has been no progress in this area. Since 2019, when the public debate on the Draft Law on Amendments to the Law on Social Protection was held, there has been no progress in improving this regulation, which is important for ensuring rights and providing services to user groups of the social protection system, which include children.

To ensure that every citizen in Serbia has access to the social security they are entitled to, it is imperative that amendments are made to the Law on Social Protection. Serbia has a responsibility to ensure that its citizens have access to social security that is sufficient in both amount and duration. This includes support for family protection and assistance, an adequate standard of living, and access to healthcare.

**5. The Law on the Protection of Persons with Mental Health Disabilities** - The Ministry of Health on July 26, 2023 proposed Amendments to the Law on the Protection of Persons with Mental Health Disabilities (Official Gazette RS" no. 45/13) - The proposed changes referred primarily and almost exclusively to minors below the threshold of criminal responsibility, that is, children under 14 years of age. These changes did not improve the protection of persons, including children and young people, with mental health problems, they introduced measures of a high degree of institutionalization, isolation and forced imprisonment of juvenile offenders, which sought to resolve the issue of the status of juvenile offenders below the criminal limit responsibilities within the mental health care system. Relevant actors, including the Ombudsman<sup>1</sup> of the Republic of Serbia assessed that the proposed changes ignore many aspects of exercising children's rights, dehumanize and ostracize these children from society, and that the changes did not no potentially effective measures of prevention, improvement of early identification of children at risk and referral to adequate interventions are foreseen. After the reaction of the professional public, civil society organizations and the international community, and despite the proposal to extend or re-open the public hearing in an adequately long time frame, at this moment there is no information about what stage the Draft is in, nor what are the further plans of the state for this question. A group of organizations filed a complaint with the United Nations Special Procedures for the right of everyone to the enjoyment of the highest possible standard of physical and mental health, in order to put pressure on the state not to pass a harmful law that could endanger the position of all persons with mental health problems, and with the aim

<sup>1</sup> <https://www.ombudsman.rs/index.php/2011-12-11-11-34-45/7855-ishlj-nj-z-sh-i-ni-gr-d-n-n-d-pun-z-n-z-sh-i-i-lic-s-n-lni-s-nj>

of solving the individual case that is not the subject of this Law. Special Procedures published a thorough report<sup>2</sup> in early 2024, to which the state responded in February 2024. The state's response did not provide an adequate argumentation or explanation of the proposed changes, as well as further steps regarding the mentioned changes.

#### **Additional laws that need to be amended in the field of child rights:**

- **The Law on Tourism** should be amended to enhance the protection of children's rights in the tourism and travel industry.
- **The Social Card Law** (due to a negative impact on families, causing further financial hardship and excluding them from all social systems) In many situations, the Social Card Law, which entered into force on march 2022, has an unfavourable impact on vulnerable families and further impoverishes them, excluding them from all systems. According to first results, "in the first months of its implementation, the Law caused the loss of social benefits for at least 22.000 vulnerable individuals"<sup>3</sup>.
- **Law on Basics of Education** (amendment necessary due to the safety at school and prevention and protection of children from violence).
- **Law on Juvenile Offenders and criminal protection of Juveniles.**
- **Law on Electronic Media** (due to the need to ensure the safety of children on the Internet)
- **Law on Public Order and Peace** (which penalizes children beggary and providing sexual services in general but with no specific reference to minors)
- **Criminal Code** (Article 112, paragraph 8 - it is necessary to amend the definition of a child and align it with the definition from the Convention on the Rights of the Child, Article 184, paragraph 2 - it is necessary to delete the article and align this offence with human trafficking for sexual exploitation

### **Overview of the Strategic framework on governing children's rights**

#### **The Council for the Rights of a Child**

**The Council for the Rights of a Child** – No progress in 2023 – The Council as an important oversight body that helps the government to protect and uphold the well-being and rights of children, has been inactive since its re-establishment by the Government of Serbia on March 30, 2023.

To establish the Council for the Rights of a Child, we recommend that the Government of Serbia takes immediate action. The Council has been inactive for too long, and this inactivity has left children's rights unaddressed. We urge the government to provide the Council with the necessary resources to ensure

<sup>2</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28696>

<sup>3</sup> [https://www.upr-info.org/sites/default/files/country-document/2023-04/A11\\_Initiative\\_for\\_Economic\\_and\\_Social\\_Rights\\_statement.pdf](https://www.upr-info.org/sites/default/files/country-document/2023-04/A11_Initiative_for_Economic_and_Social_Rights_statement.pdf)

its effectiveness in safeguarding and promoting children's rights. This includes an adequate budget, technical resources, and human resources. We also recommend that the government schedules regular meetings for the Council to ensure that children's rights are consistently addressed. By taking these steps, we can ensure that children's rights are protected, and their well-being is prioritised.

Proposed priorities for the Council for the Rights of a Child:

1. Building a comprehensive policy towards children: The Council should initiate measures to build a comprehensive policy that protects children's rights in accordance with the Convention on the Rights of the Child and national laws. This includes defining childcare guidelines, monitoring their implementation and evaluating their effectiveness.
2. Protecting children exposed to violence: The Council should improve the protection of children exposed to violence in the family, schools and other institutions. This includes monitoring the implementation of laws on the protection of children from violence, and providing support to affected children and families.
3. Promoting children's participation in decision-making: The Council should empower children to participate in decision-making processes related to them. This will help make better decisions in the interest of children.
4. Monitoring and coordinating the implementation of child protection laws and policies: The Council should coordinate and actively monitor the implementation of existing laws and policies on child protection, and cooperate with other relevant institutions to fulfill international guidelines.
5. Preventing violence and promoting mental health: The Council should develop preventive programs and education for children, parents and professionals in the educational and social sectors to prevent violence and promote mental health.
6. Developing a strategic framework and national strategy for child protection: The Council should initiate and be involved in the process of developing a comprehensive and effective strategy for child protection, involving all relevant actors, especially civil society organizations.

These priorities will enable the Council for the Rights of the Child to perform its role effectively in protecting and promoting children's rights in Serbia.

1. **Strategic plan for children:** No progress in 2023 - Serbia has not made any progress in creating a strategic plan to improve the realization of children's rights, especially those belonging to vulnerable groups. The previous National Action Plan for Children expired in 2015.

A strategic plan should act as a framework for state policies, with clear priorities that draw attention to significant gaps in a country's ability to protect and promote the rights of children. Serbia needs to take prompt and decisive action to address this issue, given the potential severe and far-reaching long-term consequences of inaction.

2. **The 2020-2023 Strategy for Prevention and Protection of Children from Violence** - expired in 2023 – The Strategy and its Action Plan (2020-2021), adopted by the Serbian Government in May 2020, have not been implemented. Serbia has not set up a Working group to implement and monitor this important step for the strategic improvement of protecting children from violence. Nor have the CSOs that should take part in monitoring and reporting on the implementation of the Strategy been named.
3. **General protocol for the protection of children from violence:** In 2023, there has been no progress made towards the implementation of the General Protocol for the Protection of Children from Violence, which was adopted in February 2022. Reports on monitoring its implementation are either missing or not accessible to the public. Moreover, there has been no progress made in aligning the Specific protocols, which are supposed to be developed by relevant ministries, with the General protocol.
4. **Economic Reform Programme (ERP) 2024-2026:** does not foresee adequate measures that would directly affect the improvement of the living conditions of the poorest and most vulnerable categories in the country. Although ECOFIN's recommendation stresses the need for a significant increase in the adequacy of benefits for individuals and families with children, Serbia's response focus on the introduction of the Social Card register.

It is imperative that the government takes a more proactive approach and implements policies that ensure the betterment of the underprivileged citizens of Serbia.

5. **The Strategy for creating an enabling environment for the development of civil society in the Republic of Serbia** – In December 2023, the development work for the Action Plan Proposal for the implementation of the Strategy for creating an enabling environment for the development of civil society in the Republic of Serbia for the period 2022-2030 will begin. This implementation plan will cover the period 2024-2026.
6. **The Strategy for Prevention and Protection from Discrimination 2022-2030** - In November 2023, a working group was created to draft an Action Plan Proposal for the 2024-2025 period to implement the 2022-2030 Strategy for Prevention and Protection from Discrimination.
7. **Social welfare development strategy:** There is no progress in developing a social welfare development strategy.

### Additional key issues in 2023

**Child Poverty** – Child poverty in Serbia is a pressing issue that is not receiving adequate attention. According to Eurostat, in 2022, the rate of risk of poverty and social exclusion for children under the age of 18 was 27.1% or about 333,000 children. The risk of poverty was 20.3% of children under the age of 18 or about 238,000 children. The poverty risk rate for one parent with one or more dependent children was 33.8%, and for households with two adults with three or more dependent children, was 26.6%. Despite this, child poverty is not recognised as a priority in public policies. Children from marginalised and vulnerable groups, such as Roma children, children with disabilities, children living in rural areas are most affected.

The Economic Reform Program, the most important strategic document of the Republic of Serbia in the economic dialogue with the EU for the period 2024-2026 did not contain adequate measures that would directly affect the poorest and most vulnerable categories in Serbia, although ECOFIN recommendation refers to a significant increase in the adequacy of benefits for individuals and families with children. Serbia response refers to the introduction of the Social Card Register.

**School Safety** - The safety of children in schools and the organization of school life pose significant challenges due to inadequate financial resources and other limitations. Budgetary constraints hamper the effective operation of schools and put children's safety at risk.

The tragic school shootings in early May 2023, which claimed the lives of nine children, highlight the immediate need for action. To prevent future tragedies, the Government of the Republic of Serbia and the relevant ministry must implement comprehensive measures to enhance school safety. This should involve:

- Increasing psycho-social support: Establishing counseling centers for youth and families in all local governments and increasing the number of psychologists and pedagogues at schools to support children, students, and parents. This will help identify and address potential issues and provide crucial mental health support.
- Reducing bureaucracy for educators: Streamlining the work of educators to enable them to focus meaningfully on students. Reducing administrative burdens can help teachers concentrate more on teaching and student well-being.
- Strengthening cooperation between parents and teachers: Promoting essential cooperation through the creation of partnership relations that foster open communication and mutual support for student success.
- Implementing strict media content control: Implementing strict control of content in print and other media with national availability that are filled with violence and hate speech. This is necessary to protect children from harmful influences and cultivate a safer, healthier society.
- Launching a national consultative process on the future of education: Engaging school administrations, teachers, parents, students, and all interested citizens in a national conversation about the future of education in Serbia. This inclusive process will help create a shared vision for educational reform.
- Prioritizing education: Prioritizing education as the most crucial area for the development of society. Investing in and prioritizing education will pave the way for a better future for all citizens.

Addressing these issues requires a coordinated effort between the government, educational institutions, and the wider community.

### Marginalized children in Serbia

Marginalized groups of children face various difficulties on a daily basis, including discrimination, poverty, violence, and poor quality of education. These challenges manifest themselves in their health, education, social inclusion, and overall well-being.

1. **Children without parental care** face challenges brought by inadequate preparation for leaving alternative care. According to the current legislation in Serbia, it is planned to define an emancipation plan for every young person in the system of alternative care at the age of 14. The findings of previously conducted research indicate that there is no clear and precise information about the number and content of plans, and on the other hand, it is known that an individualized approach in the development and implementation of such plans greatly improves the position of a young person, especially in the period when it is necessary to leave and began an independent life. On the other hand, when they leave care, most of them have no or insufficient organized support, nor the possibility to return to their biological family or to receive some kind of support from them. Then they face material deprivation, lack of housing, lack of life skills, but also knowledge and skills that would help in employment. For this reason, it is important to develop services and programs that can ensure the provision of further support through advisory work, education, professional training so that they can exercise their rights and prevent social exclusion.
2. **Children from families at risk of separation** - Children from these families face numerous problems that are the result of a lack of parental capacity and inadequate care. in the domain of recognizing and responding to children's developmental needs; they are further faced with material deprivation, lack of information about rights and support resources, social isolation, discrimination and often living in a segregated environment. In order for these children to be supported, it is necessary to provide family support services that would empower parents to recognize and adequately meet the needs of children, promote the importance of education, connect children and families with services in the community, encourage the social inclusion of children and their socialization, and which would key outcome prevented the separation of children from the family and supported the child's right to live in a family environment.
3. **Children with disabilities** - These children, especially in the rural areas, face a lack of adequate support, which increases the risk of institutional placement. The absence of a combination of health and social services, makes it difficult for the family to function leading to the displacement of children from the family environment. Children with disabilities and without parental care living in closed systems, such as residential institutions, are particularly precarious since they have no access to protection mechanisms. Research clearly shows that the right to life, as well as other rights of institutionalized children with disabilities, are jeopardized, pointing to the necessity of taking seriously and prosecuting the reported cases of systematic torture<sup>4</sup>. Regarding early childhood education and care, children with disabilities in Serbia face barriers to accessing inclusive education, with limited availability of early intervention services and specialized support. Similarly, the education of children with

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<sup>4</sup> <https://www.mdri-s.org/public/documents/upload/publications-in-english/Serbia-2021-web-ENG.pdf>

disabilities in Serbia is hindered by inadequate support and accommodations, including assistive technologies and teacher training. In addition, discrimination and stigmatization of children with disabilities remain an issue in many schools, further restricting their access to education.

4. **Children with educational difficulties** - Children who face difficulties in education due to lower success, falling behind or dropping out of the educational process have a high risk of social exclusion. The lack of educational and social support, the absence of real opportunities at home, at school or in the community, and inadequate legal frameworks hinder the progress of these children. There is a need to improve the integration of educational, social and health services.
5. **Children of Roma nationality** - Multiple forms of discrimination, poverty and social exclusion are common challenges faced Roma children. Roma children also face significant barriers in accessing healthcare, due to lack of information, missing health infrastructure in the settlements, and discriminatory attitudes of healthcare providers. Children from Roma communities in Kosovo\*, Montenegro, and Serbia are facing high levels of deprivation, with at least three-quarters of them not having access to adequate housing, according to a recent report by UNICEF.<sup>5</sup> A recent report<sup>6</sup> by the Center for Youth Integration revealed that two-thirds of people living in informal settlements in Serbia had experienced four or more traumatic events during their childhood. The study links multiple adverse childhood experiences (ACEs) to issues such as depression, sexual abuse trauma, and alcohol use, and highlights the impact of ACEs on health, social, and educational outcomes in the affected population.
6. **Children in conflict with the law** - These children represent a particularly sensitive population due to the challenges of adolescence and the specificity of behavioural problems. The absence of targeted preventive programs and services hinders their successful transition to adulthood and integration into society.
7. **Children refugees, migrants and asylum seekers** - These groups face discrimination, lack of access to inclusion, and lack of adequate education, housing and access to health services.

The above-mentioned difficulties represent a complex challenge that requires multisectoral cooperation and systemic changes to provide support and strengthen the rights of marginalized groups of children. Developing and implementing comprehensive strategies to improve living conditions and opportunities for these groups of children is necessary.

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<sup>5</sup> <https://www.unicef.org/serbia/en/press-releases/children-from-roma-communities-in-europe-face-high-levels-of-deprivation>

<sup>6</sup> <https://cim.org.rs/wp-content/uploads/2024/04/Istrazivanje-Engleski-Final.pdf>



## GENERAL RECOMMENDATIONS for EU

1. **The European Child Guarantee should be extended to the countries in accession.** Serbia would benefit from being part of this policy and funding instrument to tackle child poverty and social exclusion systematically.
2. The proposed **EU Legislation to Prevent and Combat Child Sexual Abuse** should be reflected in the relevant laws not only in EU countries but in the relevant legislation in the accession countries with the same standards – this to be required within the accession process legislative harmonisation with EU laws.

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