



SERBIA 2022 PROGRESS REPORT

WRITTEN SUBMISSION FROM THE COALITION FOR MONITORING
CHILD RIGHTS IN SERBIA

Belgrade, April 2022

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



Introduction

During 2021, the work on further improvement of child rights in Serbia was seriously disrupted, both due to the postponement in the formation of the Government of the Republic of Serbia in 2020 and establishment of two new ministries, and due to the COVID-19 pandemic, which further aggravated the situation of children, especially those from the most vulnerable groups - children with disabilities, migrant/refugee children, Roma children, children living and working in the streets, children with HIV/AIDS, children belonging to the LGBTI population, children from single-parent families and no-income or low-income families, etc. In addition, there is a risk that new parliamentary elections held in April 2022 could further put child rights out of political agenda.

The relevant ministries have failed to establish working groups for developing new strategies and for monitoring the implementation of newly-adopted strategies, especially in the field of child rights.

Both Action Plans for Chapters 23 and 24 are inconsistently applied and the set deadlines for a number of child rights related goals have not been respected or have been ignored. The recommendations provided by the United Nations (UN) Committee on the Rights of the Child have not been properly implemented even though it has been almost five years since their adoption.

There is still no regulated systematic data collection, which is a challenge in monitoring the exercise of child rights. The lack of reliable and comparable data has a negative impact on cross-sectoral cooperation, as well as on the creation of effective policies related to children. This problem would be solved by adopting the Strategy on the Rights of the Child, which would facilitate data collection and proper reporting.

Normative Legal Framework

The comprehensive **Law on the Rights of the Child and Ombudsperson for Children** has not been adopted yet, while the work on amendments to important laws, such as the Law on Family, the Law on Juvenile Offenders and Criminal Protection of Minors, the Law on Social Protection, etc. has stopped due to new parliamentary elections in April 2022.

The adoption of such a comprehensive law would contribute to the harmonisation of the entire legal system related to children, better coordination of all sectors involved, and it would bring the existing legislative solutions in all sectoral laws in line with the solutions contained in this law. Unfortunately, no action has been conducted by the newly established Ministry for Family Welfare and Demography.

The Government of the Republic of Serbia's 2021 Activity Plan envisaged that the Government would propose to the National Assembly the **Bill of Amendments to the Law on Family** by March 2021, which has not been done yet. However, the Ministry of Human and Minority Rights and Social Dialogue, in cooperation with the Ministry of Family Care and Demography, established the Working Group for Drafting Amendments to the Law on Family, which held two meetings on 12th July and 13th September 2021. The goal is to adapt the Law on Family to the needs identified during its implementation, to improve the provisions that are not functional, but also to harmonise them with other laws, such as the Law on Social Protection and the Law on Amendments to the Law on Financial Support for Families with Children (which has been in force since 1 July 2021). The purpose is also to draft a modern law that will be in line with international standards and principles.

On 16 April 2021, the Ministry of Justice set up a **Working Group for Drafting a Working Version of Amendments to the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles** tasking it to draft a working text of the Law by 1 July 2021. In addition to representatives of judicial authorities, competent ministries and professional institutions, one of the Working Group members is Child Rights Centre's Director, representing the civil sector, who has actively participated in the Working Group meetings with specific proposals for harmonising certain provisions of the current law with international documents. The reason for working on the amendments to this Law is the state's obligation under the revised Action Plan for Chapter 23 – Judiciary and Fundamental Rights, which envisages reviewing the types and systems of criminal sanctions for juveniles, special obligations, new diversion orders, etc. In addition, it is important to harmonise the provisions of the current law with the provisions of the Criminal Procedure Code, the Criminal Code, the Law on Organisation of Courts, the Law on Public Prosecutor's Office, the Law on Police, the Law on Execution of Criminal Sanctions and the Law on Family, as well as other international documents, and in particular with [Directive 2012/29/EU](#) of the European Parliament and of the Council, establishing minimum standards on the rights, support and protection of victims of crime.

The public hearing on the Draft Law was held from 8 to 28 July 2021, after which the Working Group held its fifth meeting on 1st September to discuss the received remarks, proposals and suggestions related to the Draft Law. The Draft Law was then sent to the European Commission for consideration, in order to determine whether it was in line with international and EU standards.

National Children Policy and Coordination of Child Rights Implementation

The National Action Plan for Children expired in 2015. This document was not comprehensive because it did not cover all areas of the rights of the child, which was its serious limitation. Although in April 2018 the Minister of Labour, Employment, Veteran and Social Affairs issued a decision to establish a working group for developing a new National Action Plan for Children, the working group did not formally commence its work or determine the scope of this plan and timeframe of its development. After the parliamentary elections in 2020, this activity has been no longer within the Ministry of Labour, Employment, Veteran and Social Affairs scope of work. Newly established Ministry of Family Welfare and Demography did not prioritize this issue, so no initiative has been conducted so far.

The Council for Child Rights of the Government of the Republic of Serbia held a [constitutive session](#) on 21 July 2021 and [the second session](#) on December 17, 2021. Twenty-four members from various ministries, institutions, universities and non-governmental organisations were appointed to the new composition of the Council (by the Decision of the Ministry of Family Welfare and Demography from April 1, 2021), with the term lasting until 31 March 2022. In this term of the Council, again no funds were allocated to provide adequate human, technical and financial resources for the efficient functioning of this body. In addition, the Council did not submit to the Government of the Republic of Serbia any initiative, proposal, opinion or analysis related to the exercise of child rights, and did not monitor the implementation of regulations in the field of child rights or launch any initiatives for changing them. It is uncertain when the new convocation of the Council for Child Rights will be formed, so that Serbia is absolutely left without any coordination of policies in the field of child rights until further notice.

Since the Ministry of Human and Minority Rights and Social Dialogue took over the task of the Office for Human and Minority Rights to provide professional and administrative technical support to **the Council for Monitoring the Implementation of the Recommendations of the UN Human Rights Mechanism**, on

5 March 2021 the Government of the Republic of Serbia adopted amendments to the Decision on establishing this Council. The Council met regularly (15 June, 29 September and 30 November 2021, 7 February 2022) and set up the Thematic Working Group to support the drafting of the Common Baseline Document on the Republic of Serbia and a combined fourth and fifth periodic reports of Serbia on the implementation of the Convention on the Rights of the Child. The Child Rights Centre appointed its member and submitted its input for the report. However, the report has not yet been prepared, but it supposed to be drafted by the end of May 2022.

The Juvenile Justice Council, re-established in 2018 by the Ministry of Justice and the Supreme Court of Cassation, held regular meetings throughout 2021, which is a positive step forward. However, this body needs to be further strengthened to properly initiate and monitor juvenile justice reforms and provide decision-makers with specific strategic recommendations for future system reforms in relation to both children as offenders and as victims/witnesses of crime.

In May 2020, the adoption¹ of the [Strategy for Prevention and Protection of Children from Violence for the period 2020-2023](#), with the accompanying [Action Plan for 2020 and 2021](#) is an important step in the process of strategic improvement of the protection of children from violence in Serbia. However, the Working Group for the implementation and monitoring of the Strategy has not yet been established, nor have civil society organisations been appointed to participate in monitoring and reporting on implementation, which makes this document just a dead letter.

In July 2020, the [National Strategy for the Exercise of the Rights of Victims and Witnesses of Crime in the Republic of Serbia for the period 2020-2025](#) was adopted along with the accompanying [Action Plan for the Implementation of the National Strategy](#). On 22 April 2021, the Government of the Republic of Serbia adopted the Decision on Establishing the Coordination Body for Support to Victims and Witnesses in Criminal Proceedings with the aim of coordinating the process of monitoring and improving support for victims of crime and witnesses in criminal proceedings, although the Strategy envisaged that this body would be established within 30 days of its adoption. Only one meeting of the Coordination Body was held (3 September 2021).

[The Action Plan for Chapter 23](#) provides an overview of the situation of child rights in the Republic of Serbia and defines activities that will be carried out to promote child rights, such as strengthening the Council for the Rights of the Child, the Council for Minors and other activities in the field of social protection, child-friendly justice, etc. However, there is a significant delay in the implementation of regulatory framework and harmonisation, and the Law on Amendments to the Law on Juvenile Offenders and Criminal Protection of Minors has not been adopted, although its adoption was planned for the last quarter of 2020.

Specific Areas of Concern

Violence against Children

The child protection system was already struggling to prevent and respond to violence against children, and now a global pandemic has both made the problem worse and tied the hands of those meant to

¹ See more at <https://cpd.org.rs/strategy-for-prevention-and-protection-of-children-from-violence-for-the-period-2020-2023-adopted/?lang=en>

protect those at risk. As Serbia adopted the prevention and control measures to contain COVID-19, many vital violence prevention and response services were suspended or interrupted as a result. Many professionals working in the child protection system reported disruptions in case management, referral services and home visits by social workers to children and women at risk of abuse.

Violence against children (VAC) in different settings and a lack of uniform implementation of defined policies continue to be a major issue.

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

In May 2020, the adoption² of the [Strategy for Prevention and Protection of Children from Violence for the period 2020-2023](#), with the accompanying [Action Plan for 2020 and 2021](#) was an important step in the process of strategic improvement of the protection of children from violence in Serbia, but so far it has remained a dead letter. In addition, on 10 February 2022, the General Protocol for the Protection of Children from Violence was adopted, superseding the 2005 General Protocol for the Protection of Children from Abuse and Neglect from. The relevant ministries still need to adopt special protocols for the protection of children from violence. The mandatory implementation of VAC related general and special protocols and monitoring of their implementation at both national and local level is needed and all professionals dealing with child victims of violence should get appropriate training in a cross-sectoral manner.

In Serbia, there are a [number of business entities](#) performing activities with children and youth, which are not recognized by any system in a way that would ensure safety and protection of personal integrity, as well as the mental and health development of children. Furthermore, the curriculum and manner of their work, or the results they achieve, are not monitored or evaluated. What is worrying is the fact that it is not prescribed in what conditions the work of these economic entities should take place, given the specificity of the activity and the target group with which they work; what qualifications and competencies those who work with children should have, whether there is a plan according to which they work, what children are expected to learn and what competences to develop; who and in what way can monitor their work; whom and what types of information they give about their work; what consequences they should suffer if they work inappropriately, etc. Also, the description of the registered activities of some of these business entities do not even include *education* as such. When registering with the Serbian Business Registers Agency, these business entities should meet the same conditions as any other business entity when it comes to responsibility and safety, regardless of the fact that they work with a particularly vulnerable group – children and youth. It is necessary to regulate this area by establishing a clear legislative framework governing the work with children and youth, enabling the monitoring of their work and prescribing a procedure in case of the violation of regulations.

² See more at <https://cpd.org.rs/strategy-for-prevention-and-protection-of-children-from-violence-for-the-period-2020-2023-adopted/?lang=en>

Corporal punishment of children at home in Serbia is still not legally prohibited. There is an urgent need to take measures to explicitly prohibit, by law, corporal punishment of children in family. Also, measures should be taken at different levels to promote positive, non-violent and participatory ways of educating and disciplining a child through public awareness campaigns on the harmful effects of corporal punishment on children. State authorities should develop and fund programmes for strengthening parents' competencies for fulfilling parenting responsibilities and resolving conflict situations in a family without violence.

No significant progress has been made in the field of the prevention and elimination of **child marriages**, despite the efforts of the National Coalition to End Child Marriages, which consists of more than 20 CSOs and institutions dedicated to promoting children's rights and the eradication of the harmful practice of child marriages in the Republic of Serbia. Serbia does not have a system in place to monitor child marriages, and no case records are kept based on ethnicity, although research shows that child marriages are present and that Roma girls in particular are widely exposed to this harmful practice. Additional resources need to be allocated and a broad campaign should be designed and continuously carried out at the national level with the aim of raising awareness of the harmfulness of child marriage. In addition, support measures should be devised and continuously implemented for girls and women victims of child marriages and their children.

Overview of major anti-trafficking trends and responses

Work on prevention and suppression of human trafficking in Serbia in 2021 is not sufficiently in the focus of the competent authorities and the public, which confirms the small number of identified victims, the position of victims in court proceedings (as indicated by the analysis of judicial practice ASTRA - Anti trafficking action is conducting since 2011), other procedures when deciding on the status of the victim and her/his rights, as well as the inequality of services available to victims but also their quality, especially children as one of the most vulnerable categories.

No progress has been made on the announcement that the Standard Operating Procedures (SOPs) for the treatment of victims of trafficking will become an obligation for all employees of the Ministry of the Interior. At the end of 2019, the most important actors in the fight against human trafficking discussed the improvements and updates of the SOP. However, no concrete action has been taken since then.

The Strategy for Prevention and Combating of Trafficking in Human Beings, Especially Women and Children, and Protection of Victims (2017-2022) is in the final year of its implementation. The Action Plan for the last two years of the Strategy implementation (2021-2022) was to be adopted in the 4th quarter of 2020. The process of drafting the Action Plan took place, although, with a long delay (in July 2021), the final document was never officially adopted.

Serbia still does not have a specialized shelter for emergency accommodation or specialized programs to support children victims of human trafficking. There is no single register of available services and providers of protection and support services for victims of crime with elements of violence (human trafficking), nor a single register of services and providers of social protection services (general and specialized) that could be available to victims of trafficking. On the territory of the whole of Serbia, there are **only three specialized providers of support and protection services for victims of human trafficking**. One is in the public sector (Center for the Protection of Victims of Trafficking in Human Beings and two are in the non-governmental sector, ASTRA – Anti trafficking action and ATINA). All three service providers are located

in Belgrade. Services are uneven and unevenly distributed, making it impossible or difficult for potential victims and victims of trafficking to access the local level. In addition, the problem is that budget funds are not allocated to licensed service providers within the NGO sector, which jeopardizes the sustainability of available services. Therefore, it is necessary to develop specialized support and protection programs that are sustainable and more evenly distributed, and it is especially important that they are adapted to the needs of child victims. In addition, there is an obvious need to provide adequate accommodation for children (the only state shelter for victims of trafficking has not been operating officially since September 2020 (the shelter is intended for adult victims and girls older than 16)). It is necessary to continue investing in resources through strengthening the capacity of employees in relevant institutions for better results in the field of prevention and suppression of trafficking in human beings, especially children, as well as work on improving cross-sectoral cooperation and implementing measures of Standard Operating Procedures on practical experiences and learning through concrete case studies.

Drop-in shelters exposing more children in risk – not enough of shelters, low coverage

Data from the Shelter in Novi Sad show us that in 2021 (from January to the end of October), **378 children (205 boys and 173 girls)** used the service of this institution. Of particular concern are the data on **underage pregnancies - 6 underage users of the shelter**, aged 15 to 18, gave birth in 2021. The shelter also keeps records of the forms of child labor to which children have been exposed. Data provided by the Shelter in Novi Sad show that during 2021 (January-October), out of a total of 378 users, as many as **77% (293 users) were involved in some form of child labor**: 86 users collect secondary raw materials, themselves or with family members. 207 users often or occasionally beg (parked cars, juggling at intersections, etc.). It is especially worrying that more than **100 users** who stated that they were **involved in some form of child labor**, in addition to all the above, also worked in the fields, seasonal work, extremely difficult physical work, inadequate for their psychophysical age. 85 beneficiaries stated that they are not included in any form of child labor, but since they live in **extreme poverty**, they meet the condition to be beneficiaries of the shelter.

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

The 2021 Statistical Report³ shows that the Centre for the Protection of Victims of Trafficking in Human Beings identified 122 presumed victims of trafficking in human beings (113 new victims, 9 cases were transferred from 2020), including **46** formally identified **victims of human trafficking**. Of the total number of victims, sexual exploitation continues to be the dominant form of trafficking, with a **share of 50%**. The next form of trafficking is multiple exploitations with a **share of 17%**, as well as forced begging with a **share of 10%**. In relation to the total number of identified victims of human trafficking, the worrying fact is that **37% of the identified victims are minors, and 94% of them are girls**. The most common forms of child exploitation are **sexual exploitation (35%), forced marriage (18%), labor exploitation (17%), forced begging and multiple exploitations (12%), and forced criminal activity (6%)**.

Almost ten years after the establishment of the Center, in mid-2021, the development of indicators for the formal identification of victims of trafficking was finally completed, supported by the OSCE Mission to Serbia. However, how the indicators are applied to specific cases is still unknown.

³ Annual statistical report for 2021 <http://centarzztlj.rs/statisticki-podaci/>

ASTRA – Anti trafficking action in 2021 identified 20 victims of human trafficking, including 5 children of victims of human trafficking. The most common form is still sexual exploitation, **3 child victims, coercion to beg 1 victim and 1 victim of multiple exploitations (sexual exploitation and coercion to commit crimes)**.

ASTRA – Anti trafficking action is also running European number for missing children 116000 in Serbia since 2012. Even though ASTRA received EU accreditation by Missing children Europe for operating this hotline and has signed memorandum of understanding with the Ministry of interior for collaboration in missing children cases, number 116000 is not supported from the budget of Republic of Serbia. Until today, ASTRA received more than 4000 calls and found and supported 129 children who went missing. Furthermore Serbia has no Child Alert system for the public early warning of the missing child case.

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

Since 2011, ASTRA has been conducting an analysis of court verdicts for the criminal offence of trafficking in human beings under Article 388 of the Criminal Code, mediation in prostitution under Article 184 of the Criminal Code, as well as trafficking in minors for the adoption of Article 389 of the Criminal Code. The analysis pays special attention to the protection of minors and for that reason singles it out as a separate entity. The analysis of court judgments for 2021 is currently being processed, but certain observations from the two judgments stand out below. Unfortunately, significant changes in the position of victims of trafficking for the better compared to previous years are not observed.

The first is the case of a father accused of *Sexual Intercourse with a Helpless Person* under Article 179 paragraph 3 in conjunction with paragraph 1 of the CC, in conjunction with the crime of *Incest* under Article 197 of the CC and the crime of *trafficking in human beings* under Article 388 paragraph 3 in conjunction with paragraph 1 of the CC. Namely, the father was sentenced to a single sentence of 11 years in prison and six months but **acquitted of the charge of trafficking in human beings**. The injured girl is his daughter, who has certain health and mental problems and **was 14 years old at the time of the crime of human trafficking**, while she was **only 11 at the time of the crime for which the defendant was convicted** (*Sexual Intercourse with a Helpless Person* under Article 179 of CC and crime of *Incest* under Article 197 of the CC). The father received his acquaintance in the house, with whom the girl had sexual intercourse. A month before this event, another man came with whom the girl also had sexual intercourse. The prosecution stated that the accused initially indirectly admitted committing the crime of human trafficking, stating that he **handed over his daughter to two men**, but later *changed his statement*, claiming that he *was pressured by the police*. It was only when he arrived at the prison that the defendant heard what human trafficking really was. In the specific case, **there was not enough material and other evidence that the crime of human trafficking was committed**. The court referred **the victim to civil proceedings** in order to realize a property claim, which remains a ready-made rule in practice, despite the possibility of deciding on the same in criminal proceedings.

Another case is the case of Austrian citizens from 2017 which took place in Bačko Petrovo Selo. Two women committed the criminal offence of trafficking in human beings under Article 388, paragraph 6 in conjunction with para. 1 and 3 in connection with paragraph 33 of the CC, while the man is accused committed the criminal offence of human trafficking Article 388, paragraph 6 in conjunction with para. 1 and 3 in connection with paragraph 33 of the CC and criminal offence showing, obtaining and possession of pornographic material and exploitation of minors for pornography under Article 185, paragraph 3 in conjunction with paragraph 2 of the CC. As one of the mitigating circumstances, the court took into account that the accused was **the father of three minor children** and sentenced him to

a single sentence of **7 years and 6 months**, while one of the women was sentenced to **5 years in prison**, taking into account the fact that she is the **mother of one minor child**. The victims, in this case, are **several girls**, but the **verdict does not mention that any of them was granted the status of a particularly sensitive witness**.

An analysis of the verdicts of previous years, but also these two cases, confirm that the sentence was imposed **at the level of the legal minimum or very close to it** and that the *trend of mild penal policy continues*.

In addition to the EU Security Union Strategy, the **EU strategy for a more effective fight against child sexual abuse**⁴ was adopted in July 2020. The IWF⁵ reported that 2021 was the worst year on record for child sexual abuse online in with 252,000 confirmed URLs containing images or videos of children being sexually abused. Compared with 153,000 from the previous year it is a significant increase.

In July 2021, the European Parliament passed temporary regulations that allow Internet-based service providers to continue to discover and report online material containing child sexual abuse.⁶

Due to the increasing number of materials on child abuse on the Internet, which the pandemic has deepened since 2020, the European Parliament has supported a law that will more effectively protect children from sexual abuse and exploitation when using webmail, chat and messaging services and other web platforms.

Serbia, like other European countries, is facing various challenges, but when it comes to formulating public policies and their implementation, it, unfortunately, lags behind.

The main message remains the same, namely, it is necessary to work on the capacities and networking of various relevant actors in the field of online exploitation of children and strengthen cooperation between agencies regarding the online and offline protection of children who are vulnerable and at high risk of abuse and exploitation.

Refugee Children

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

⁴ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20200724_com-2020-607-commission-communication_en.pdf

⁵ <https://childhub.org/en/child-protection-news/2021-was-worst-year-record-online-child-sexual-abuse-says-iwf>

⁶ <https://www.europarl.europa.eu/news/en/press-room/20210701IPR07503/parliament-adopts-temporary-rules-to-detect-child-sexual-abuse-online>

of these professionals. Children are still placed in asylum centres together with adults. During 2021, the Commissariat for Refugees and Migration designated one asylum centre (AC in Bogovađa) as centre where only unaccompanied and separated children will be accommodated. However, this is not just a center for unaccompanied children as a result of lack of accommodation. Moreover, this centre is not adapted to the needs of children.

The state must provide for special accommodation facilities that fully respond to the needs of unaccompanied and separated children. Further, the state must take the necessary measures to provide alternative care for children deprived of family environment and an adequate guardianship system. Then, the practice of registering unaccompanied and separated children by the Ministry of Interior officers without the presence of a temporary guardian must urgently stop and the provisions of the Law on Asylum and Temporary Protection as well as the Family Law regulating this issue must be applied.

The COVID-19 pandemic had the greatest impact on education, which has become inaccessible to many children due to the transition to online learning. In addition, children had different restrictions on movement, depending on the institution in which they were placed during and after the state of emergency. Schools organized online classes throughout 2021 due to the pandemic, posing difficulties to refugee children lacking a good Internet connection and adequate devices for following online classes. Another drawback of online schooling is that it is less interactive.⁷

Access to benefits/services during COVID-19

The analysis of the responses to the COVID-19 crisis shows that the implemented measures did not focus particularly on child poverty in Serbia. In fact, the analysis shows that families with children in Serbia received less support compared to other households, *since one-off assistance was provided only to adults and pensioners*. In addition, families with children were not automatically granted universal cash benefits, but had to apply for it. Although the application procedure is extremely simple and efficient, it does not diminish the fact that poor families with children, recipients of child allowance, are not perceived as vulnerable, in spite of rigorous means testing. Finally, children and adults with disabilities had no targeted cash or in-kind benefits, despite higher levels of vulnerability during the crisis.

In very general terms, there was too little focus on ensuring access to quality social services for vulnerable individuals and households, whether in the home, the community or in residential care. In terms of social services, the existing sub-optimal systems became even less accessible during the crisis, with inevitable results in terms of increased social exclusion of existing vulnerable groups and inadequate responses to those made more vulnerable during the crisis. Extremely poor substandard Roma settlements with limited access to infrastructure (clean water, sewage and electricity) were mostly supported by donors through food and hygienic packages. NGOs and Roma activists pressured national and local governments to provide basic necessities, water cisterns and to reconnect electricity supply, often with the support of EU funds.

⁷ The Right to Asylum in the Republic of Serbia 2021, Belgrade Centre For human Rights: <http://azil.rs/en/wp-content/uploads/2022/03/Right-to-Asylum-in-the-Republic-of-Serbia-2021.pdf>

Education for Children

The education of children in the situation of coronavirus pandemic was accompanied by numerous difficulties for pupils, teachers and parents. Despite the objective difficulties and the initially relatively quick response of the Ministry of Education after the declaration of the state of emergency, education was not available to every child in Serbia.

One of the most significant obstacles is the insufficient training of teachers for using online platforms and learning tools. The organisation of classes remained confusing, with frequently overlapping and shortened online and regular classes, which has resulted in a discontinuity in education and raised a reasonable doubt in the implementation of the planned curricula. The educational content and obligations remained inconsistent, the pupils did not receive adequate materials and support for mastering the curriculum, and the teachers were overburdened with repeating the educational content and out-of-school communication with pupils and parents.

A special problem is the inclusion of pupils from vulnerable groups in the education system and a new model of distance learning, especially children from informal settlements and children of persons accommodated in centres for migrants and asylum seekers. Children living in informal settlements are often unable to attend classes because they do not have electricity or internet access. The data show that only 64.4% of households in Serbia own a computer or tablet, and 25% of households do not have internet access. The data are even more discouraging in case of Roma households, since only 26.4% of them have a computer or tablet. Classes for children with disabilities were not organised in all schools during the state of emergency, and every seventh pupil could not attend classes according to the individual educational plan during the state of emergency. In addition, children with disabilities living in institutions are practically denied access to education because since the beginning of the pandemic these institutions have been working in a special mode in order to prevent the spread of the virus.

In order to gain insight into an overall impact of the coronavirus pandemic on the exercise of the right to education, the Ministry of Education, Science and Technological Development should analyse the effects of the organisation and implementation of teaching process.

According to the research [“Child Rights During the Pandemic - the Perspectives of Children and Youth”](#), conducted by the Child Rights Centre in 2021, 70% of children/youth believe that their education is of lower quality now than before the pandemic; half of them think that they now have fewer opportunities to learn new content than before, and one third (31%) think that now the grades do not reflect their true knowledge. One quarter of young people believe that they now have less support from teachers and that books and other learning materials are not available to them as they were before (however, more than half of them believe that this has not changed). The assessment of the availability and quality of education by Roma children/youth generally coincides with the assessment of their peers from the general population, except when it comes to assessing the quality of education, since almost 40% of children believe that nothing has changed and that quality of education is the same (poor?) as before. A smaller percentage of Roma pupils (compared to the general population) believe that the digital literacy of teachers has improved (only 4%), while a large percentage of them believe that the pandemic has increased inequality among children and hindered access to quality education (54% compared to 40% of pupils from the general population).

Education on Human/Child Rights

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

Justice for Children

Juvenile Offenders - There are still no adequate alternative measures to pre-trial detention, diversionary measures are scarcely implemented, and there are no adequate programmes at the community level for work with juvenile offenders or with children under 14 who are not criminally responsible. All this constitutes a violation of international standards and a cause for concern. There have been various project initiatives and significant donor, in particular EU, support, but a sustainable, systemic solution that would be in line with the relevant international standards is yet to be found.

Children Victims and Witnesses of Crime – A step forward has been made also by adopting the [National Strategy for the Exercise of the Rights of Victims and Witnesses of Crime in the Republic of Serbia for the period 2020-2025](#) and the accompanying [Action Plan for the Implementation of the National Strategy](#). Children are recognised as a particularly vulnerable category of victims and special measures are envisaged for them, such as the possibility of audio-visual recording of interviews with the child and the admissibility of such recording in evidentiary procedure, in accordance with law, appointing a temporary representative where necessary and appointing an attorney to ensure the exercise of child's right to legal aid and representation. Although these guarantees have existed since the adoption of the Law on Juvenile Offenders and Criminal Protection of Minors, problems in their application have been noticed in practice. Therefore, the Strategy stresses that in the coming period it is necessary to consider consistent application of the regulatory framework in practice; identify possible defects and activities to overcome them; adopt amendments to the Law on Juvenile Offenders and Criminal Protection of Minors; and continuously monitor the implementation of protection and support measures for child victims in practice. Although the Government of the Republic of Serbia adopted the Decision on Establishing the Coordination Body for Support to Victims and Witnesses in Criminal Proceedings on 22 April 2021, thus exceeding the 30-day deadline, with the aim of coordinating the process of monitoring and improving support for victims of crime and witnesses in criminal proceedings, the Coordination Body held only one meeting (3 September 2021).

Children in Civil Proceedings – Certain improvements were made through operationalisation of international principles and standards, resulting in development of sets of guidelines for professionals in judiciary and social protection systems. In that context, it is necessary to provide continuous and comprehensive [capacity building](#) to family law judges, lawyers and professionals working in centres for social welfare to deal with children in family law cases, especially in high-conflict divorce cases. Numerous studies show that children whose parents are in a high-conflict divorce in the long run have the same difficulties as children who are victims of physical abuse and neglect. In addition, high-conflict divorces are usually accompanied by alienation as a serious form of child abuse. Records on high-conflict divorces

in Serbia are not kept, but it is known that every third marriage is divorced, with the number of divorces increasing every year.

Children in Detention – The research [Child-Friendly Justice – The Perspectives of Children and Youth](#), conducted to determine the opinions of children and youth about the judicial system and the level of its adaptation to children and youth in accordance with the adopted standards of child-friendly justice defined by international and national documents, indicates some shortcomings in social welfare institutions and correctional institutions. The research, based on the statements of children from these institutions, shows that professionals often do not address children in a language that is sufficiently adjusted to the child's age. Nearly half of the respondents from the institutions indicate that they are not satisfied or are minimally satisfied with the way the information was provided to them and report that they were not able to fully understand it. The research reveals that there are often many more people than necessary present in the room during interrogation. One third of the respondents believe that no one they trusted was present during their hearing. Also, two thirds of the respondents believe that the premises in which the interrogation takes place are not adapted to children and young people.

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

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

The child rights to a healthy environment

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

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

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

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

All this leads to the conclusion that the Republic of Serbia has yet to improve the legislative framework in the field of environmental protection in order to recognise and respect the specifics of children as a vulnerable group and provide a framework for effective exercise and protection of children's rights to a healthy environment.