



Convention on the Rights of the Child

Distr.: General
30 January 2017

Original: English

Committee on the Rights of the Child Seventy-fourth session

Summary record of the 2176th meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 24 January 2017, at 10 a.m.

Chair: Mr. Mezmur

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* No summary records were issued for the 2173rd, 2174th and 2175th meetings.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Second and third periodic reports of Serbia (CRC/C/SRB/2-3; CRC/C/SRB/Q/2-3 and Add.1)

1. *At the invitation of the Chair, the delegation of Serbia took places at the Committee table.*

2. **Ms. Paunović** (Serbia) said that Serbia was committed to the observance of human rights and had ratified eight United Nations human rights treaties. As a candidate for membership of the European Union, it was undertaking comprehensive reform of its legislative framework and strengthening its institutional capacities. The opening of negotiations with the European Union under Chapter 23, on the judiciary and fundamental rights, highlighted the commitment of Serbia to the development of an open and democratic society.

3. While the Government was willing to provide all the information available to it, the delegation was not in a position to present information on the implementation of the Convention in the Autonomous Province of Kosovo and Metohija, since the Province was administered by the United Nations Interim Administration Mission in Kosovo (UNMIK) pursuant to United Nations Security Council resolution 1244 (1999). Therefore, the Committee might wish to request the relevant information from UNMIK directly in order to gain an insight into the situation of children's rights in the Province, particularly in non-Albanian communities, which faced numerous human rights challenges.

4. The Constitution strictly prohibited both direct and non-direct discrimination on any grounds. while the rights of the child were incorporated into the specific legislation in areas such as education, health, justice, social welfare and child protection. At the institutional level, the Council for Child Rights, established in 2002, was responsible for coordinating activities in the field of children's rights. Other high-level bodies of importance to the realization of children's rights were the Council for Persons with Disabilities and the Youth Council. The National Assembly had established a committee on the rights of the child in 2012. The Deputy Ombudsman for the Rights of the Child, appointed in 2008, had set up the Panel of Young Advisors to allow children to contribute to the Ombudsman's work, and also oversaw the protection of children's rights in the Autonomous Province of Vojvodina. The Commissioner for the Protection of Equality provided a mechanism through which children could express their opinions on discrimination and propose activities that would benefit young people.

5. In 2014, in fulfilment of the recommendations from the second cycle of the universal periodic review and with a view to improving intersectoral cooperation, the Government had established a council to monitor the implementation of recommendations by the United Nations human rights mechanisms. Following the Committee's consideration of the initial report of Serbia, the Government had implemented 26 of the 40 recommendations made, with work on the remaining 14 still ongoing. Of the 25 recommendations made in relation to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 18 had been implemented and 7 were in the implementation phase, while of the 15 recommendations made in relation to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 8 had been implemented and 7 were in the implementation phase.

6. During the recent migrant crisis in Europe, more than 700,000 migrants and refugees had passed through Serbia, and 6,976 children had been taken in at reception centres. The Ministry of Labour, Employment, Veteran Rights and Social Policy had mandated the

provision of emergency accommodation and foster care for unaccompanied child migrants and refugees, 384 of whom had been accommodated in reception centres during the previous two years.

7. The National Action Plan for Children 2004-2015 had set out the Government's policy towards children and the protection of their rights. The 2013 Strategy for the Prevention of and Protection against Discrimination contained a segment on children's rights which envisaged the establishment of an integrated system to protect children, particularly those at risk of discrimination on multiple grounds. The action plan related to the strategy set out the measures to be implemented, the funds to be allocated and the deadlines for the implementation of the provisions.

8. The 2009 Law on Prohibition of Discrimination defined discrimination against children as a special form of discrimination. A range of other laws relating to children had been adopted or amended, including laws on the foundations of the education system, sign language, the police and health care.

9. The Government provided financial assistance to families with children, with extra support available for disadvantaged families and families with a child with disabilities. The 2011 Law on Social Protection had introduced measures to support the parents of children with disabilities and reduce poverty. The draft civil code, the draft law on free legal aid and the draft law on the children's ombudsman were all at the public consultation stage.

10. Serbia had one of the lowest rates of child institutionalization in Europe, with 90 per cent of children in the care system placed in foster families. Data from December 2016 showed that 5,299 children were in foster care, 444 of whom had disabilities. Services in the community had been expanded for children with disabilities and included day-care centres and home care or personal assistance services. In 2016, 125 children had been adopted; the number of adoptions had risen steadily since 2006. Serbia had six foster care and adoption centres and a further two were planned. The Ministry of Labour had developed a plan to transform institutions that provided accommodation for children and young people, and the Government was providing financial support to local authorities for the implementation phase.

11. The protocol on the protection of children from abuse and neglect had contributed to the development of multidisciplinary teams for the protection of children in local communities. The Law on Prevention of Domestic Violence, adopted in 2016, provided for additional support for victims and the immediate removal of the perpetrator from the family home, thereby affording more effective protection to child victims of domestic violence.

12. All children under the age of 18 years, pregnant women and women who had given birth in the past 12 months were entitled by law to full health care, including medicines and the reimbursement of related travel expenses, irrespective of the type of health insurance coverage they had and whether or not their health card was stamped. Thanks to the work of health mediators, 30,000 Roma children had been vaccinated since 2009 and the mortality rate for Roma children had halved since 2006. Moreover, the legal framework for the registration of all births was now complete.

13. The Law on the Foundations of the Education System had facilitated the inclusion of all children in the education system. Interdepartmental committees were responsible for assessing the additional support needs of children with disabilities. The legislation regulating textbooks and other teaching aids stipulated that textbooks required by persons with disabilities should be provided both in Serbian and in national minority languages. Materials were also available in Braille and other specialized formats for blind or visually impaired children. Other projects focusing on children addressed media literacy, cultural and educational programmes, addiction, the inclusion of children with disabilities, the

situation of children in disadvantaged communities and the provision of media content in the mother tongue of children belonging to national minorities.

14. The Ministry of Labour, in cooperation with the International Labour Organization, had launched an initiative to reduce child labour and had conducted an analysis of the legal framework in place and made recommendations for amending it.

15. To conclude, she wished to draw the Committee's attention to the fact that the current dialogue was being followed by children from the Children's Information and Cultural Service, part of the Centre for Children's Rights, thanks to the support of the office of the United Nations Children's Fund (UNICEF) in Serbia.

16. **Mr. Madi** (Country Rapporteur) said that, while the Committee welcomed the State party's efforts to reform legislation and public policy in areas relevant to children's rights, it remained concerned at the absence of a comprehensive children's law. While a number of laws addressed children's issues, there were difficulties in implementing them, owing in part to the lack of appropriately trained civil servants. The Committee urged the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

17. He would appreciate an explanation of how the Council for Child Rights was being strengthened to ensure effective coordination between ministries and agencies. The delegation should also provide details of the new national action plan for children and explain how it would build on the outcomes of the previous plan. Noting that the Office of the Deputy Ombudsman for the Rights of the Child lacked sufficient resources to effectively fulfil its mandate, he wished to know why Parliament had not reviewed the reports of the Deputy Ombudsman for the previous two years and why the Government had not established a children's ombudsman.

18. The Committee noted the absence of any systematic collection of comprehensive disaggregated data, particularly in relation to children with disabilities and Roma children. It would like to have information on efforts to mitigate the negative impact on children of government austerity measures. The State party should do more to raise public awareness of the Convention, particularly among children.

19. Noting that Roma children continued to be exposed to discrimination, particularly in the education system, he wished to know more about the Strategy for Improvement of the Status of Roma in the Republic of Serbia and whether it also covered children. The delegation should also provide information on measures taken to combat discrimination against children with disabilities, migrant children, child refugees and asylum seekers, and lesbian, gay, bisexual and transgender (LGBT) children. The Committee would welcome details of efforts to educate the public about anti-discrimination, to ensure the full implementation of anti-discrimination legislation and to provide training for civil servants working in that area.

20. Noting that the infant mortality rate remained above the European Union average and was significantly higher among Roma children, he wished to hear from the delegation about efforts to improve access to neonatal intensive care units.

21. The Committee would like to have details of any court decisions that had been based on the best interests of the child. From what age were children allowed to express their opinions in court, particularly in family cases? Were judges required by law to seek a child's opinion? He would like to better understand the role of social work centres and guardianship authorities in cases of a conflict of interest between children and their parents.

22. **Ms. Aldoseri** (Country Rapporteur) asked whether the Government intended to bring its legislation into line with the Convention, particularly in connection with the definition of the child. Noting the legislative amendments relating to the registration of

individuals not in possession of personal documents, she said she would welcome information on further initiatives to address the issue of unregistered persons, including efforts to inform such persons of the procedure for registration. She would like to know whether the Government planned to institute birth registration in maternity wards, whether registration fees would be abolished and what efforts were being made to ensure that children born to undocumented refugees or migrants in the State party were registered at birth.

23. She would like to know whether corporal punishment was prohibited in all settings, including in the home, and whether parents, particularly in Roma communities, were being educated about alternatives to corporal punishment. Was the protocol on the protection of children from abuse and neglect legally binding, and what was being done nationally to address the abuse and neglect of children with disabilities?

24. Noting that child marriage was common among Roma girls, she wished to know under which circumstances the courts granted permission for children aged 16 or 17 years to marry, and what measures were in place to enforce the minimum legal age for marriage, which stood at 18 years.

25. She was interested to hear from the delegation about the mechanisms established to implement the protocol on the protection of children from abuse and neglect, and to improve intersectoral cooperation on the issue at the local level. How were professionals trained to detect and respond to cases of children subjected to violence and neglect? It would be useful to learn about any plans to tackle attitudes towards domestic violence and whether any parenting programmes were available. What measures were being taken to halt widespread violence in schools, especially against children with disabilities and LGBT children, and to curb cyberbullying?

26. **Ms. Sandberg** said that she would be interested to know how the Government intended to improve the functioning of student parliaments in schools and ensure that students understood the purpose of them. She would appreciate further details on the operations of local youth offices and on their target audience. What was being done to include children in the design of national policy and would their inclusion be made mandatory?

27. **Ms. Ayoubi Idrissi** said that she wished to know whether civil society had been involved in the drafting of the State party report. She would appreciate an explanation of the measures in place to combat the harassment of journalists and human rights defenders. It would also be useful to know how children's rights to freedom of expression and assembly were promoted and to have information on any associations working in the areas of freedom of thought and freedom of religion.

The meeting was suspended at 10.55 a.m. and resumed at 11.20 a.m.

28. **Mr. Vulević** (Serbia) said that work on drafting a comprehensive children's law had begun seven years previously and it was hoped that progress would be made on it during the first half of 2017. The Government was in the process of designing a new strategy and action plan to protect children from violence which, drawing on the evaluation of the previous strategy and plan, would focus on Roma children, children with mental health and behavioural issues, and children in conflict with the law. They would also address online abuse and violence in schools.

29. While the Government was considering ratifying the Optional Protocol on a communications procedure, it first wished to learn from the experiences of the States that had already ratified it. In the interim, it intended to establish a children's ombudsman to whom children could address their complaints and who could later act as an intermediary between them and the Committee. Children's services had been protected from the austerity

measures introduced and in 2016 the Government had allocated an additional 400 million dinars to support families.

30. Following public consultation, the draft law on the children's ombudsman would be expanded to provide for a mechanism that would allow children to contact their ombudsman. While it was true that the Office of the Ombudsman lacked resources, it was one of the independent regulatory authorities that had been exempted from austerity measures and were not subject to the public sector recruitment freeze.

31. Training in the protocol on the protection of children from neglect and abuse, the implementation of which was mandatory, was organized at the sectoral level. There was room for improvement in cooperation between the sectors, including the education and health sectors.

32. It was mandatory to consult children in any legal proceedings involving them. Special procedures were in place for children below the age of 10, and children over the age of 15 were entitled to decide which parent they wished to live with and how they would maintain contact with the other parent. Children over the age of 10 could not be adopted without their consent. Where a conflict of interest arose between a parent and a child, a "collision guardian" was appointed to assist the child.

33. If a child aged 16 or 17 years applied for permission to marry, the court was obliged to take advice from the child's legal guardian, the social welfare authorities and a psychologist to establish whether the child was mature enough to make the decision. Initiatives were in place to combat forced marriage. The explicit prohibition of corporal punishment as a disciplinary method would be passed into law by the end of June 2017.

34. **Mr. Vukićević** (Serbia) said that the Criminal Code had been brought into line with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and now defined forced marriage as a criminal offence. The Ministry of Justice had developed guidelines to assist judges in evaluating a child's capacity to express his or her opinion.

35. The Law on Prevention of Domestic Violence adopted in late 2016 would be implemented with effect from June 2017. It introduced preventive measures and procedures for removing the perpetrator from the family environment, and specified the type of action to be taken by the police and other authorities. The definition of domestic violence had been broadened and updated. The Law required all authorities or citizens to report known or suspected cases of domestic violence so that the police could launch investigations and the courts could decide on the action to be taken. A national awareness campaign had also been launched.

36. **Mr. Madi** said that the draft law on the children's ombudsman apparently failed to provide for the filing of complaints by children. He had been informed, however, that the Deputy Ombudsman for the Rights of the Child had received about 500 complaints from children in 2016.

37. The Committee would appreciate an assessment of the progress achieved under the National Action Plan for Children that had expired in 2015 and an outline of the goals of the new national action plan. The time gap between the two plans was regrettable.

38. **Ms. Aldoseri** asked whether the State party contemplated abolishing the exemption to the prohibition of underage marriage for children in the 16 to 18 years age group who sought and obtained consent from a court.

39. **Ms. Muhamad Shariff** asked whether there was a child-friendly process to assist children under the age of 10 years in presenting their opinions. She requested additional information concerning "collision guardians".

40. **Ms. Nedeljković** (Serbia) said that a manual on how to respond to violence in educational institutions had been adopted in 2008. Teams composed of experts, school principals and other staff members had been established and arrangements made for cooperation with health-care and social welfare centres, the Ministry of the Interior and other institutions. Children and parents were encouraged to report cases of violence. The Ministry of Education had developed guidelines and published a manual for parents entitled “What Happened in School Today?”.

41. Procedures for the prevention of violence against children focused on vulnerable groups and children with disabilities. In 2016 the Ministry of Education had set up teams to deal with emergency situations. Training courses were also arranged for inspectors and other experts. High priority was given to action against cyberviolence. Pupils’ parliaments discussed such issues, and clubs of students and parents cooperated with UNICEF in addressing them.

42. Some 480,000 child migrants were expected to arrive in Serbia during the next six months. Migrant children were enrolled in schools located in the neighbourhood of the reception centres. Transport was provided and Serbian language modules had been developed. Training courses were provided for the staff who worked with migrants.

43. **Ms. Viček** (Serbia) said that the Ministry of Education was aware of the problem of discrimination against Roma children in special schools. The percentage of Roma children attending such schools had dropped from 30 per cent in 2010 to just over 25 per cent in 2015. Testing in the first grade of regular elementary schools was conducted in the Serbian language. Children who were unable to speak Serbian therefore encountered problems from the outset. The interministerial committees that had issued recommendations regarding special schools some years previously had failed to take that aspect into account. The Ministry of Education had sought to reform inclusive education by providing support for teachers and children who moved from special schools to regular schools. With a view to including Roma children, 185 teaching assistants had been employed in schools and preschool institutions. The budget allocated to the Action Plan and Strategy for Social Inclusion of Roma Men and Women covered activities in five areas: education, housing, employment, health and social protection. Action in the area of education would include the prevention of enrolment in special schools that was not based on children’s real needs.

44. The Council for Child Rights had served as an advisory body to the Government since 2002 and had promoted many laws, strategies and action plans. It was composed of representatives of the Government, civil society organizations and experts, and welcomed involvement by the general public, including children. The Council had initiated the adoption of the new national action plan for children based on an analysis of the results of the previous action plan, including its shortcomings. The team of experts should complete the new action plan and related strategy by the end of 2017.

45. The authorities were determined to address the issue of inadequate data collection in relation to children and other vulnerable groups. They were aware that accurate data from individual ministries would be highly beneficial and would facilitate budgetary planning.

46. Anti-discrimination training was provided not only for civil servants employed by the Government but also for representatives of local self-government units, municipalities and NGOs.

47. Funds provided by the European Union under the 2011 Instrument for Pre-Accession Assistance had been used to launch awareness campaigns at the national and local level on discrimination against the Roma community, women, people with disabilities, and the LGBT community.

48. Young people were involved in developing policies through local youth offices and civil society organizations involved in protecting children's rights. Youth offices existed in almost all local self-government units and were composed of young people under the age of 25 years. There was also a network of 67 offices at the national level. Political influence on the youth offices was kept to a minimum.

49. The right to freedom of religion and belief was guaranteed for persons of all ages by the Constitution and domestic legislation.

50. The UNICEF office in Belgrade had undertaken a study of cybercrime and a series of measures to protect children against cybercrime would be implemented in due course.

51. **Ms. Pantić Aksentijević** (Serbia) said that there were indications of a reduction in the infant and under-five mortality rates, and neonatal mortality during the first six days after birth had also been reduced. Infant mortality during the first month after birth was frequently due to problems occurring during pregnancy, cranial bleeding or breathing system disorders. Action was being taken to facilitate access by pregnant women to counselling and to reduce smoking during pregnancy. A cooperation programme between UNICEF and the Ministry of Health had been adopted to ensure equal access to health care and to promote its quality and availability by training health-care workers, paediatricians, nurses and female mediators from the Roma community. Child mortality had thus been reduced by 50 per cent. There were plans to provide greater antenatal and postnatal support, and to support migrants, internally displaced persons and refugees. A total of 846 children were currently being accommodated in refugee reception centres. Mobile clinics provided reproductive health care for pregnant migrants and joint programmes with UNICEF provided nutrition for children.

52. She stressed that emergency medical services were available on an equal basis for all citizens throughout the country.

53. **Ms. Khazova** asked whether the State party had considered introducing a mandatory course in schools concerning appropriate conduct on the Internet and how to avoid the risk of cyberviolence.

54. According to paragraph 31 of the replies to the list of issues, the State party was considering two alternative provisions concerning "physical punishment" in the draft civil code. She objected to the words "especially physical punishment" in the first version and the words "inappropriate physical punishment" in the second version because all corporal punishment should be prohibited.

55. **Mr. Madi** commended the role of the Council for Child Rights in initiating legislation and supporting the implementation of the national action plan. However, the Council's role was advisory rather than authoritative. The Committee's question in the list of issues about the body that was responsible for coordinating activities in the area of children's rights referred to a governmental body with authority to coordinate the activities of governmental departments and to oversee the implementation of child rights at the national and local level.

56. **Ms. Sandberg** enquired about the action taken by youth offices to promote the participation of children under 18 years of age in action at the local level.

57. The problems encountered in testing Roma schoolchildren in many countries were not only linguistic. It was also important to ensure that the questions asked were culturally sensitive.

58. **Ms. Paunović** (Serbia) said that Serbia was not waiting for other States to ratify the Optional Protocol on a communications procedure but establishing conditions conducive to its full implementation upon ratification. For instance, procedures for enabling children to

file complaints would improve when the office of the children's ombudsman was established.

59. The Council for Child Rights had an advisory role but it also coordinated intersectoral activities at the governmental and local level. She was aware that more vigorous action was required in that regard. More effective budgetary planning was also necessary.

60. **Mr. Vulević** (Serbia) said that the opinions of children under the age of 10 years in legal or administrative proceedings were obtained with the assistance of qualified professionals, psychologists, the guardianship authority, schoolteachers, relatives and friends. The opinions were taken into account if the experts or guardianship authority considered that it was in the best interests of the child.

61. Provision was made for a so-called collision guardian where children were unable to protect their own interests, for instance if there was a conflict of interest between legal representatives and parents.

62. It was planned to prohibit corporal punishment under all circumstances and measures were being taken to prohibit acts that undermined a child's dignity. The Government also promoted awareness-raising campaigns and courses on non-violent methods of raising and educating children.

63. **Ms. Aldoseri** asked how the State party planned to address the increasing inflow of children, especially Roma children and children with disabilities, into formal care institutions. She enquired about action to address the grass-roots causes of family separation, and the financial and technical support and community services made available to the families concerned.

64. She asked how residential care for children with disabilities was supervised, for instance in terms of the size of the facilities, the qualifications of staff and the children's access to education. Commending the large number of adoptions arranged for children with disabilities, she asked whether they included children with severe disabilities. She enquired about procedures for guaranteeing support services for children with disabilities throughout the country.

65. The Committee would appreciate receiving statistics on the percentage of children with disabilities in institutional care, in inclusive education and attending special schools, and on the number of Roma children with disabilities. She asked whether parents could prevent their children from attending mainstream schools, whether awareness-raising programmes were conducted and whether parents had access to services that would assist them in looking after their children.

66. She enquired about mechanisms to monitor and assess the National Health-care Programme for Women, Children and Youth and asked whether there were plans to shift from a strictly medical approach to disability to a more comprehensive biopsychosocial model.

67. She asked whether the "Hello Baby" counselling hotline was accessible to all families throughout the country, including Roma families, and whether any of the nurses who provided counselling could speak the Romani language. She wished to know why Roma health mediators had not been institutionalized in the health system. She requested updated information on vaccination coverage, including for Roma children, and asked whether an awareness-raising campaign had been conducted to oppose the anti-vaccination lobby.

68. Noting that three out of five children who were eligible for child allowances were unable to access them because of complicated administrative procedures, she asked whether any action was being taken to simplify the procedures and to increase the allowances.

69. She asked whether all children, including children with disabilities, children in care institutions, Roma children and children living in rural areas, had access to preschool, primary and secondary education, and whether there were plans to build additional schools in rural areas and to address the problem of overcrowded schools in urban areas. She enquired about the number of early childhood education and development centres and asked whether they were located throughout the country.

70. She asked whether adequate resources had been appropriated to meet the needs of children with disabilities and to address negative attitudes to inclusion.

71. She enquired about the main components of the affirmative action programme in support of the enrolment of Roma children in secondary schools. Were textbooks available free of charge throughout the country and was human rights education a compulsory component of curricula?

72. She asked whether the authorities had assessed existing curricula and the performance of the education system, for instance by evaluating the ability of students to participate efficiently in society on completing their education. Were children consulted when new educational strategies and programmes were developed?

73. She asked whether there were radio and television programmes in which children could participate. Lastly, she enquired about the existence of safe public places where children could meet and play.

74. **Mr. Madi** noted that Serbia was primarily a transit country for refugees and asylum seekers. The Committee commended the State party's positive response to refugee and asylum-seeking children, and its cooperation with civil society and international organizations in providing for their basic needs. However, more vigorous action was required to protect and alleviate the suffering of unaccompanied and separated children. There was no formal framework for the early identification of such children and their referral to a child protection mechanism. The Law on Asylum failed to specify a minimum age for the submission of applications for asylum and to provide for age assessment procedures. There were no language classes or school enrolment procedures for such children. The Law provided for a guardian, but children were usually assigned three different guardians during the process. The first was assigned after the initial identification procedure, the second on referral to an institution in Belgrade or Niš, and the third on referral to an asylum centre. Moreover, the guardians were not well trained to meet the children's needs and they rarely visited the asylum centres. The children were therefore vulnerable to smugglers and human traffickers. Children under 16 years of age should be accommodated in foster families rather than in asylum centres. Some unaccompanied children had allegedly been returned across the border to Bulgaria and the former Yugoslav Republic of Macedonia without an assessment of their best interests and without being informed of the right to seek asylum in a language that they understood. Some NGOs had submitted a request to the European Court of Human Rights for interim measures against Serbia.

75. He requested information concerning the methods used to collect comprehensive and disaggregated data on refugee and asylum-seeking children and to share data among asylum authorities and those responsible for protecting children.

76. Some Roma children remained without a birth certificate and could therefore become stateless. He enquired about measures to provide Serbian nationality to children whose parents were stateless or whose nationality was unknown.

77. Most juvenile offenders were sentenced to alternative types of sanctions. However, such sanctions were usually administrative in nature and failed to include programmes for their reintegration into the community. While diversion schemes were defined and provided for by law, they were rarely implemented in practice. Learning programmes and socializing conditions were limited and of poor quality in most facilities where children were deprived of their liberty, especially at the Educational-Correctional Institution in Kruševac and the Valjevo Juvenile Penitentiary-Reformatory. The system for filing complaints by children deprived of their liberty was flawed. The Committee had been informed that complaints of violence by detention facility staff had not been properly or independently investigated.

78. Provisions for hearing child victims and witnesses outside courtrooms in family cases involving divorce and custody were not fully applied. The law stipulated that children ought to be heard and that the judge should consider the best interests of the child when ruling on a case.

79. The possibility of providing free legal aid for children in conflict with the law had been under consideration since 2005 but no decision had yet been taken. He asked whether the law on underage perpetrators of criminal offences had been enacted.

80. He asked whether incarcerated women could be accompanied by their children and, if so, until what age. He also enquired about the services and facilities provided.

81. Children in street situations were not clearly recognized as victims of exploitation, violence, abuse and neglect in law and in practice. When they reached the age of 14 years, they could be prosecuted for misdemeanours. They did not enjoy legal protection and were denied access to certain social protection mechanisms. The competent authorities and institutions failed to train staff to support children in street situations and there was no provision for systematic analysis and follow-up.

82. Members of the Roma community, including children, continued to be subjected to discrimination, violence and hate speech. Roma families living in informal circumstances faced forced eviction without provision for alternative accommodation.

83. He commended the legislation enacted to address sexual exploitation and trafficking. However, the identification of child victims was inadequate and there was no mechanism to provide them with special care, support and accommodation. According to the report, minors who were victims of sexual exploitation and harassment were treated by police workers who had received the necessary training in children's rights. The Committee considered, however, that child victims should be treated by highly trained social workers and psychiatrists.

84. The 2014 flood disaster in the State party had demonstrated its environmental vulnerability. Coordinated action should be taken at the local and national level to address gaps in the system and to reduce the risk of future disasters.

85. **Mr. Gurán** expressed regret at the slow progress, especially in 2016, in dealing with family environment and alternative care issues. An increasing number of children were being placed in institutions despite the prohibition on the placement of children under three years of age. The accommodation limit of 58 children per institution had not been complied with, since there were still about 200 children in one institution. He asked how the State party planned to resolve the problem.

86. No information had been provided regarding special programmes to address the situation of Roma children placed in institutions, such as training of Roma families to serve as foster families. He enquired about programmes to assist young people who had left alternative care to reintegrate into society.

87. Persistent funding problems created disparities between communities and regions in access to alternative care services. He asked whether there were plans to establish nationwide standards so that such services were available to all children.

The meeting rose at 1 p.m.