



Convention on the Rights of the Child

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Committee on the Rights of the Child Seventy-fourth session

Summary record of the 2177th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 24 January 2017, at 3 p.m.

Chair: Mr. Mezmur

Contents

Consideration of reports by States parties (*continued*)

Combined second and third periodic reports of Serbia (continued)

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (continued)

Combined second and third periodic reports of Serbia (continued) (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. Pavlović Šiniković** (Serbia) said that the Government was taking all necessary measures to ensure that births were registered. The 2009 Law on Civil Registry Books established the right of every child to be entered in the birth register regardless of whether the child's parents were unknown, the child was without parental care or adopted, or the birth was registered beyond the legal time frame for doing so. The Law amending the Law on Republic Administrative Fees provided for an exemption from administrative fees for all documents and actions related to birth registration. The Law amending the Law on Extrajudicial Proceedings defined the procedure for determining the time and place of birth of persons whose birth had not been recorded and who could not provide appropriate evidence.
3. In 2012, the then Ministry for Human and Minority Rights, Public Administration and Local Self-Government had concluded a memorandum of understanding with the Ombudsman and the Office of the United Nations High Commissioner for Refugees (UNHCR) with the aim of promoting the registration of births and the issuance of identity documents. Between 2014 and 2016, training in the implementation of the Law on Extrajudicial Proceedings had been provided for judges, social workers and police officers.
4. Campaigns had been organized to involve Roma coordinators, health mediators, civil society organizations and representatives of the Roma community in the protection of minority rights, and visits had been conducted to Roma settlements in order to identify persons whose birth had not been registered and to provide them with free legal aid during the official registration procedure. In 2016, a total of 72 visits had been conducted to 96 settlements with a total of 2,090 inhabitants.
5. The Ministry of Public Administration and Local Self-Government had launched a project in maternity hospitals to make it easier for parents to register the birth of their child and obtain identity documents and health insurance.
6. **Mr. Andrić** (Serbia) said that, since 2010, the Ministry of the Interior, in cooperation with the Ministry of Education, had been implementing a project to encourage safe Internet use among children in primary schools across the country. Flyers had been distributed with the support of Save the Children, and it was estimated that over 320,000 pupils had so far attended presentations given by specially trained police officers. The Ministry of the Interior had organized over 200 lectures for children and parents, and, from the 2017/18 academic year, school curricula would include a compulsory module aimed at boosting digital literacy.
7. The police worked in conjunction with various institutions to provide suitable care and protection to child trafficking victims. Psychologists and other experts were consulted to ensure that all decisions were made in the best interests of the child. In 2015, there had been six recorded victims of child trafficking, of whom three had been trafficked for the purposes of sexual exploitation or forced marriage.
8. **Ms. Pantić Aksentijević** (Serbia) said that, as part of ongoing efforts to implement the National Health-care Programme for Women, Children and Youth, the Dr. Milan Jovanović Batut Institute of Public Health had begun to use forms based on the International Classification of Functioning, Disability and Health.

9. The “Hello Baby” counselling service was accessible to all; mediators were equipped to overcome language barriers and carried out visits in non-emergency cases. The service was funded from various sources, including the budget of the Ministry of Health. Steps were being taken to set up a network of parenting centres with the backing of private companies. To date, 20,000 people had used the centres, where teams of paediatricians and other health professionals were on hand to provide assistance.

10. To counter the impact of the anti-vaccination lobby, health professionals wishing to renew their licence to practise medicine were required to attend a training course on the importance of vaccinations. Moreover, the Ministry of Health, together with the United Nations Children’s Fund (UNICEF), was canvassing the opinions of parents and health professionals as to the merits of vaccinations. According to preliminary data covering the period up to 20 January 2017, 20,622 Roma children from families visited by health mediators had been vaccinated. Health mediators performed administrative tasks such as the collection and recording of data, but they were not health professionals and could not practise medicine unless they had completed the relevant studies.

11. **Mr. Popović** (Serbia) said that, from 2011 to 2016, the number of children in residential care facilities had fallen significantly. At the end of 2016, 105 Roma children and 277 children with developmental disorders had been living in such facilities, compared to 891 and 443, respectively, in foster care. The State’s focus on deinstitutionalization was reflected in the distribution of its funding for children in need of care, with 90 per cent being used to support foster families and just 10 per cent being granted to residential care facilities. Roma foster parents did exist and had gone through the normal process for obtaining accreditation.

12. Since 2016, 1,406 children had benefited from the “family associate service”, the aim of which was to provide support to families experiencing difficulties and thus prevent child displacement.

13. While the adoption of children with disabilities had increased slightly, it remained more common in an intercountry context and, despite the Government’s best efforts to encourage such adoptions, the decision to adopt a child with disabilities ultimately lay with the adoptive parents. The services available to children with developmental disorders included a personal assistant, day care and, in some cases, long-term care funding for their families. Overall, 45 per cent of the budget of the Ministry of Labour, Employment, Veteran Rights and Social Policy was allocated to supporting children, over 348,000 of whom were entitled to child allowance.

14. **Mr. Vulević** (Serbia) said that, since 2015, social workers had been instructed to recognize the same rights to unaccompanied migrant children as they did to Serbian nationals, including with regard to health care. At the beginning of the European migrant crisis, Serbia had been a transit country, and the Government had spared no effort in providing urgent assistance and establishing procedures for the identification of unaccompanied migrant children. Since the closure of its borders, however, Serbia had become a host country for migrants wishing to travel to a third State. There were currently some 6,000 migrants in reception centres across the country, including between 500 and 600 unaccompanied migrant children. Social workers were present on the ground, and every migrant child had legal representation.

15. There was no minimum age for seeking asylum. The best interests of migrant children were assessed to determine whether to repatriate them, resettle them in a third country or initiate asylum procedures. Although there were cases of abuse, neglect and peer violence in reception centres, measures were being taken to prevent them.

16. In 2014, a comprehensive action plan had been launched to protect street children in 108 communities. By 2016, thanks to a number of initiatives, including the provision of

training in residential care facilities, the number of street children had been reduced considerably.

17. The medical model of disability had not been used since 2010. Children with severe developmental disabilities were entitled to a higher allowance if they had the support of only one, or neither, parent.

18. **Mr. Vukićević** (Serbia) said that the implementation of the Law on Juvenile Criminal Offenders and Judicial Protection of Juveniles had been delayed because of the need to undertake reforms that were vital for European Union membership, but would be pursued during the course of 2017.

19. The Ministry of Justice was using funds obtained under the European Union's Instrument for Pre-accession Assistance to introduce juvenile justice reforms. Alternatives to imprisonment were increasingly being sought and judges and prosecutors were being trained accordingly. Guidelines were being developed to help social centres provide input for sentencing decisions and steps were being taken to harmonize judicial practices. Juvenile offenders had the right of appeal, and complaints forms and the texts of relevant by-laws were made available in all correctional facilities. A strategy was being devised to facilitate the reintegration of juvenile offenders, including by offering them training.

20. Women offenders with children under 2 years of age had the right to be held with their children in specially equipped facilities and to receive appropriate medical care. In such cases, paternal visits were permitted.

21. The Ministry of Justice, in cooperation with UNICEF, had drawn up guidelines on hearing children in criminal proceedings. The guidelines were designed to prevent secondary victimization and traumatization. In addition, the new Criminal Code provided for children to be heard in out-of-court settings, and units had been established to support vulnerable groups of children and their parents in relation to court procedures. To date, however, the units had been requested to offer support on only 18 occasions.

22. The Ministry of Justice planned to formulate a comprehensive strategy to promote the rights of victims and witnesses that would take into account the special needs of juveniles. It was hoped that the draft law on free legal aid, which had been in the pipeline for some time, would be adopted in the very near future.

23. **Ms. Viček** (Serbia) said that Roma children sitting primary-school entrance tests were helped by Romani-speaking teaching assistants. The content of the tests could not be adjusted as their purpose was to assess children's readiness for formal education. In order to boost the number of Roma children enrolled in primary schools, measures were being taken to encourage them to attend preschool for longer than the minimum of one year, including by constructing new facilities and restructuring existing ones to create 17,000 additional places.

24. Roma children accounted for 20 per cent of the pupils in special schools and between 3 and 4 per cent of those in regular schools. Parents ultimately had the right and the obligation to choose a school for their children, as demonstrated by the fact that, while 71 per cent of children with developmental disorders were enrolled in special schools, 14 per cent attended special classes in regular schools. If it was felt that a parent had made a decision that was not in the best interests of his or her child, a social welfare institution was requested to intervene in an attempt to find an appropriate solution.

25. **Ms. Nedeljković** (Serbia), responding to questions about unaccompanied refugee children, said that some unaccompanied migrant children aged 12 to 17 years had been placed in a school in the municipality of Zemun. They had been assisted by psychologists, and their transport costs had been covered with the support of UNHCR.

26. On the subject of education, she said that accessibility for persons with disabilities was considered an important criterion in the evaluation of educational establishments. With that in mind, an agreement had been reached with local self-government units to build access ramps in a number of schools. Teachers were prepared for inclusive education thanks to training coordinated by the Ministry of Education, which had issued an instruction calling for classes to be made smaller if they included children with developmental disabilities. Local self-government units were responsible for providing transport to and from school for such children.

27. Using funds available under the European Union's Instrument for Pre-accession Assistance, 520 scholarships had been offered to Roma students, 150 Roma teaching assistants had been hired and textbooks had been published in national minority languages.

28. Primary education was split into two four-year cycles. Changes were being introduced in the curriculum for the second cycle in response to poor performances in global education rankings, with the focus shifting towards competency-based learning. At the secondary level, the Government was promoting vocational education as a means of improving employment prospects.

29. **Ms. Milić** (Serbia), noting that the Autonomous Province of Kosovo and Metohija was administered by the United Nations Interim Administration Mission in Kosovo (UNMIK), said that the information on the territory supplied in the periodic report had been gleaned from the findings of international organizations operating there. According to the information at the Government's disposal, the Serbian, Roma, Ashkali, Goranci and other minorities continued to face obstacles to the enjoyment of their rights and freedoms, including restrictions on their movement and on their ability to speak freely in their mother tongue. Since 1999, the number of non-Albanians in the Province had decreased significantly. Although laws had been enacted to promote the rights of the child, their provisions were not implemented in practice. Moreover, in 2016, it had been noted that textbooks and other printed materials were being confiscated at border crossings. In Lipjan, children attended school on Sunday rather than Monday, a market day, out of fears for their safety. The Goranci community, meanwhile, experienced great difficulty in accessing education, health care and other basic services.

30. **Ms. Aho Assouma** said that she would appreciate additional information concerning the application in Serbia of the World Health Organization Framework Convention on Tobacco Control. The delegation should describe what was being done to ensure the early detection of congenital anomalies and to what extent children were exclusively breastfed during the first six months of life. She would welcome details of any programmes to combat teenage pregnancies, promote reproductive health and prevent mother-to-child transmission of HIV. The delegation should comment on the prevalence of AIDS in Serbia and on the measures that were being taken to help poorer families to apply for benefits, take out health insurance, find housing and access health care.

31. **Ms. Winter** asked when exactly the Law on Juvenile Criminal Offenders and Judicial Protection of Juveniles would come into effect, whether it would help expand the use of alternatives to detention and, if so, whether judges had the power to apply its provisions already. She requested further information on correctional measures and orders, and asked whether the Law established the right of child victims and witnesses to free legal aid.

32. Turning to the situation in Kosovo, she asked whether there were plans for the authorities in Mitrovica, where access to education was, in relative terms, less problematic, to share best practices with their counterparts in Lipjan. She would also like to know whether school textbooks could be sent from Belgrade to Kosovo and distributed with the support of UNMIK.

33. **Ms. Đorđević** (Serbia) said that the Serbian authorities cooperated with civil society to ensure the implementation of public policy. The Government provided funds for a number of media-related projects proposed by civil society organizations, schools and other entities. The Delegation of the European Union to Serbia had funded a project in which students from partner schools in Serbia had visited media institutions in States members of the European Union. The Ministry of Culture and Information regularly issued calls for proposals for cultural activities for children and young people. In 2016, for example, the Ministry had provided a total of 16 million dinars for 45 such projects. The Ministry also encouraged the country's cultural institutions to involve children in their activities.

34. **Ms. Pantić Aksentijević** (Serbia) said that expectant mothers were given classes in which the advantages of breastfeeding were highlighted. Pregnant migrants also received counselling services that stressed the importance of breastfeeding. A national programme for sexual and reproductive health had recently been developed. All indications were that it would be officially adopted in the coming months. Persons with HIV/AIDS needed only to be residents of the country to obtain the necessary health care. If they did not have a home, they could be included in the social security system by registering at a social welfare centre.

35. **Mr. Vukićević** (Serbia) said that the new juvenile justice law was expected to be adopted in June 2017. All minors were entitled to free legal aid.

36. **Ms. Paunović** (Serbia) said she had suggested that the Committee ask UNMIK directly about the situation of children from non-Albanian communities in Kosovo because Kosovo was essentially run by UNMIK.

37. **Mr. Rodríguez Reyes** asked whether the International Code of Marketing of Breast-milk Substitutes had been incorporated into Serbian law and whether there was official oversight of the companies that sold such substitutes. He wished to know what percentage of the country's hospitals or clinics had been accredited as baby-friendly and at what point the State party would be able to say that all 10 of the steps to successful breastfeeding posited by UNICEF had been taken.

38. He wondered whether the activities of institutions housing children with mental or intellectual disabilities were overseen by an official body and what efforts were made to ensure that such institutions did not rely too heavily on the administration of psychotropic drugs and the use of isolation or physical restraints. He asked whether the planned national programme for sexual and reproductive health would form part of the school curricula.

39. **Mr. Madi** said that he would welcome a comment on the measures taken by the State party to implement previous recommendations on the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/SRB/CO/1), in particular with regard to the declaration Serbia had made upon ratifying the Protocol and the establishment of extraterritorial jurisdiction over crimes under the Protocol that did not fulfil the criterion of double criminality. Information on the measures taken by the State party to implement the Committee's previous recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SRB/CO/1), in particular with regard to the incorporation of an explicit definition of "sale of children" into the Criminal Code, would also be welcome. The Committee was concerned by reports that child victims of offences under the latter Protocol were sometimes treated as delinquents rather than as victims. Lastly, he wished to stress that the overwhelming majority of the children currently making their way through Serbia were refugees fleeing their war-torn countries, not simply migrants, as the members of the delegation of Serbia apparently preferred to call them.

The meeting was suspended at 4.45 p.m. and resumed at 5 p.m.

40. **Ms. Pantić Aksentijević** (Serbia) said that breastfeeding was promoted throughout the health-care system. More than 40 hospitals and clinics had been accredited as baby-friendly. In addition, there were four milk banks in the country, in Belgrade, Novi Sad, Niš and Kragujevac. Breast-milk substitutes were subject to the same inspections as other food products.

41. The inspectorate of the Ministry of Health was responsible for supervising residential institutions for children with mental or intellectual disabilities and ensuring that such children were not abusively medicated or restrained, as had occurred in the past. Adolescents would be among the prime beneficiaries of the future sexual and reproductive health programme, which included a component on family planning. Reproductive health was one of the topics to be covered in a course developed jointly by the Ministry of Health and the Ministry of Education. The course was to be introduced to school curricula shortly.

42. **Mr. Krgović** (Serbia) said that persons under the age of 18 could not be used in armed conflict under any circumstances.

43. **Mr. Vukićević** (Serbia) said that in an attempt to bring its legislation up to European Union standards, Serbia was currently in the process of reviewing a number of laws, including criminal laws. That ongoing process, which would take time, would eventually enable the country to act on the recommendations made by the Committee in connection with the optional protocols. Although the sale of children was not explicitly criminalized, anyone who sold a child could be punished under laws written to criminalize related offences, such as false declarations of stillbirth by doctors or the trafficking of children for adoption.

44. **Mr. Vulević** (Serbia) said that the word “migrant” was used as a catch-all for the large numbers of people moving through the country, some of whom were fleeing countries at war and were thus more properly described as refugees and some of whom had left such countries as Tunisia, Morocco and Bangladesh in search of economic and other opportunities. In any event, the term “migrants/refugees” was commonly used in official documents.

45. The Government recognized that it was necessary to take a new approach to helping child victims of human trafficking. It had therefore opened a shelter for such children in Novi Sad and ensured that the members of the staff of other shelters or institutions working with those children were given the training to respond to their needs.

46. **Ms. Paunović** (Serbia) said that Serbia had set up a system to monitor the implementation status of all the recommendations it had received from the United Nations treaty bodies. In future, the treaty bodies could therefore expect to receive more precise information from Serbia about its efforts to implement those recommendations.

47. **Ms. Khazova** asked whether the authorities were aware that, as a result of shortages of properly trained staff, children with disabilities in children’s homes or institutions were often given psychotropic drugs to keep them under control. If so, how did the Government plan to address the problem?

48. **Ms. Aho Assouma** asked whether the Government intended to hasten the realization of plans to make the issuance of birth certificates free of charge. She would welcome information on anti-tobacco campaigns, in particular in view of the country’s high proportion of smokers. Information about programmes developed to combat alcohol and drug abuse would also be welcome. Lastly, she wondered whether the Roma mediators mentioned by the delegation had job contracts and were paid for their work.

49. **Ms. Aldoseri** said that she wished to know whether data were collected on the cases of violence reported to the helplines available to schoolchildren and whether children could report such cases to those helplines without fear of retaliation. She wondered whether the

Office of the Deputy Ombudsman for the Rights of the Child had developed specific procedures for submitting complaints.

50. **The Chair** wondered whether the State party's efforts to safeguard the rights of children were informed less by the Convention than by what it understood to be European Union standards. In addition, he asked what Serbia intended to do to fully address child refugees' urgent need for shelter from the cold Serbian winter. He wished to know whether the Serbian authorities were in conversation with their Croatian and Hungarian counterparts on the issue of child refugees and asylum seekers who were turned back at the Croatian and Hungarian borders.

51. **Mr. Rodríguez Reyes** asked whether he had understood correctly that Roma children were given admission tests before they could enrol in primary school.

52. **Ms. Pantić Aksentijević** (Serbia) said that any health-care personnel who did not act in the best interests of their patients were sanctioned. The authorities regularly visited children's institutions, and the medical personnel at those institutions and other health-care facilities were members of professional associations, which also contributed to the supervision and regulation of the health sector.

53. Public health strategies and action plans addressed alcohol, tobacco and drug abuse. Efforts were being made to introduce a ban on smoking in enclosed public places.

54. **Ms. Paunović** (Serbia) said that the Law on Protection of Persons with Mental Illness had been adopted in part in response to concerns expressed by the international community and to regulate the use of psychotropic drugs.

55. **Ms. Nedeljković** (Serbia) said that the helpline for children was staffed by 40 volunteers and could be accessed by children without fear of retaliation. There were strict procedures for the registration of reports of abuse.

56. **Ms. Paunović** (Serbia) said that the recent delivery of 23,000 birth certificates in a very short period of time attested to the efforts made by the authorities to ensure that every child had a birth certificate. Serbia undertook to fulfil its obligations under the United Nations instruments it had ratified, but, together with the States members of the European Union, it was also searching for a joint response to the migrant crisis. In that connection, child refugees and asylum seekers had been provided with shelter and other support services, including health care. Some migrants or refugees, however, refused offers of accommodation in official reception centres, and their choice was respected. They were nonetheless given food.

57. **Ms. Viček** (Serbia) said that all children, including Roma children, could enrol in primary school. There were no admission tests. Tests were given at the start of the school year only to determine whether a child needed additional support. In the past, admission tests had been administered before enrolment, but the system had changed, and Roma children and the children of other national minorities currently received the language support that enabled them to attend ordinary schools.

58. **Ms. Paunović** (Serbia) said that Serbia was cooperating not only with Croatia and Hungary but also with all the countries along the Balkan route in an attempt to find a solution to the migrant crisis.

59. **Mr. Cardona Llorens** said that he wished to know whether the allegations of abuses at institutions for children with mental and intellectual disabilities had been investigated, as had been recommended by the State party's own national mechanism for the prevention of torture and by the Committee on the Rights of Persons with Disabilities.

60. **The Chair** urged the Serbian authorities to continue working with Croatia and Hungary to find a solution for the child refugees and asylum seekers transiting through

Serbia. The alternative was for Serbia, which was perhaps unable to give those children the status they sought, to become the new Calais.

61. **Ms. Paunović** (Serbia) said that the Ministry of Health supervised the use of psychotropic drugs in residential care facilities. When its inspectors noticed something out of order, criminal proceedings were initiated. The Roma mediators had job contracts and were paid for their work. They also received benefits.

62. Although Serbia was not a State member of the European Union, it had agreed unconditionally to take in the number of refugees assigned to it under the quota system for the distribution of refugees. The Serbian people had shown considerable forbearance and understanding in the face of the more than 700,000 people who, largely without incident, had moved through the country in recent months. The refusal of some migrants or refugees to accept offers of accommodation posed a new dilemma, but she was confident that the authorities would be able to alleviate their current sufferings, while respecting their right to refuse accommodation.

The meeting rose at 6 p.m.