



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Forty-eighth session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations: REPUBLIC OF SERBIA**

1. The Committee considered the initial report of the Republic of Serbia (CRC/C/SRB/1) at its 1326th and 1327th meetings (CRC/C/SR.1326 and 1327), held on 27 May 2008, and adopted, at the 1342nd meeting, held on 6 June 2008, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the initial report of the State party under the Convention on the Rights of the Child (“the Convention”) as well as the written replies to the list of issues (CRC/C/SRB/Q/1 and Add.1). The Committee welcomes the frank dialogue with the high level and multisectoral delegation.

**B. Positive aspects**

3. The Committee notes the inclusion of several fundamental rights concerning children in the new Constitution of the State party (2006) and welcomes the progress made through the adoption of laws, inter alia the Law on Family Relations (2005), the Law on Protection of Disabled Persons against Discrimination (2006) and the Law on Juvenile Delinquents and Penal Law Protection of Juveniles (“Law on Juveniles”) (2006).

4. The Committee welcomes the establishment of the Council of the Rights of the Child, consisting of representatives of both governmental and non-governmental entities with relevant expertise. The Committee also welcomes the development of a National Action Plan (NAP) by the Council, which defines the relevant policies and priorities of the State party until 2015 and provides for the monitoring of progress. The Committee further notes the establishment of three levels of Ombudsman offices (Defender) at the national, provincial and local levels.

5. The Committee notes with appreciation that, over the past five years, the State party has ratified, inter alia:

(a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child pornography and child prostitution on 10 October 2002;

(b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 31 January 2003;

(c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime on 6 September 2001;

(d) The Rome Statute of the International Criminal Court on 6 September 2001;

(e) Convention No. 182 (1999) of the International Labour Organization (ILO) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 10 July 2003.

### **C. Factors and difficulties impeding the implementation of the Convention**

6. The Committee notes that the complex political situation in the country has contributed to difficulties in the implementation of the Convention in all parts of the country. The Committee notes that no information on Kosovo and Metohija was provided in the report of the State party nor the written replies, their administration being under the control of United Nations Interim Administration Mission in Kosovo (UNMIK). The State party suggested that the Committee seek relevant information from UNMIK on the implementation of the Convention in Kosovo and Metohija, owing to the fact that, according to Security Council resolution 1244 (1999), the administration over Kosovo and Metohija has been entrusted to UNMIK and that under paragraph 11 of the same resolution, UNMIK has the obligation to protect and promote human rights in Kosovo and Metohija. Under these circumstances, the Committee requests UNMIK to provide without prejudice to the legal status of Kosovo, information on the implementation of the Convention in Kosovo and Metohija.

### **D. Main subjects of concern and recommendations**

#### **1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

#### **Legislation**

7. The Committee welcomes the progress made in legislative reform related to human rights in general and more specifically to the rights of the child. The Committee notes that while the new Law on Family Relations, the Law on Protection of Disabled Persons against Discrimination and the Law on Juveniles appear to be harmonized with the Convention, it is concerned that, overall, legislation has not yet been fully harmonized with the Convention. Furthermore, the Committee is concerned at the lack of a comprehensive Children's Act.

8. **The Committee recommends that the State party ensure full harmonization of all laws with the Convention and consider adopting a comprehensive Children's Act.**

## Coordination

9. The Committee notes the efforts undertaken by the Council of the Rights of the Child to strengthen coordination among the various governmental bodies and mechanisms involved in the implementation of child rights. Nevertheless, the Committee notes that the Council has an advisory status and role only, and it is concerned at the lack of effective coordination among the various ministries.

**10. The Committee recommends that the State party take the necessary steps to ensure effective coordination, particularly amongst its ministries and agencies, and strengthen the role of the Council of the Rights of the Child.**

## National Action Plan

11. The Committee notes with satisfaction that a National Action Plan for the implementation of child rights, covering the period until 2015, was adopted in 2004 and local action plans were adopted on its basis. The Committee also notes that 25 strategies have been developed and a separate budget has been allocated to the implementation of the National Action Plan. However, the Committee is concerned that the National Action Plan is not applied in all municipalities through local plans of action. The Committee is also concerned that the strategies are not fully harmonized with the National Action Plan.

**12. The Committee encourages the State party to implement effectively its National Action Plan for children which should aim at the realization of the principles and provisions of the Convention, and to ensure its implementation in all municipalities. The National Action Plan should take into account, inter alia, the Declaration and the Plan of Action “A World Fit for Children” adopted by the General Assembly at the Special Session on Children, held in May 2002, and its mid-term review 2007. Furthermore, the Committee recommends that the State party ensure that the strategies and the National Action Plan are harmonized in a comprehensive manner. The State party should also take all necessary measures to ensure a specific and adequate budget allocation and provide professional resources as well as follow-up and evaluation mechanisms for the full implementation of the National Action Plan to regularly assess progress achieved and identify possible deficiencies.**

## Independent monitoring

13. The Committee welcomes the establishment of the Ombudsman’s office at the national level, in the autonomous Province of Vojvodina and in 13 municipalities. The Committee also welcomes the fact that the Ombudsman will be responsible for investigating alleged breaches of human rights, including those related to children. The Committee acknowledges the draft law on the Ombudsman for the Rights of the Child. However, it is concerned that a Deputy at the national level specializing in child rights has yet to be appointed by Parliament and the budget for that office has yet to be approved, and that there is no specific mandate to monitor the implementation of the Convention. The Committee is also concerned that recommendations of the relevant Ombudsmen may not be fully complied with and at the lack of coordination between the Ombudsmen’s structures at national, provincial and local levels.

14. **The Committee recommends that the State party ensure that the Ombudsman offices comply with the principles relating to the status and functioning of national institutions for protection and promotion of human rights (“the Paris Principles”) and take into account its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child. The Committee also recommends that:**

(a) **The State party adopt the Law on the Ombudsman for the Rights of the Child;**

(b) **If not, the Deputy Ombudsman for children be appointed at the national level and that the mandates of the existing Ombudsman offices at all three levels of government include monitoring and promotion of child rights, and that the Ombudsman offices be provided with the necessary human and financial resources and enhance their coordination efforts to promote and protect child rights effectively.**

### **Helplines**

15. The Committee notes the existence of a toll-free national child helpline available 24 hours a day from Monday to Saturday, but it is concerned that awareness of its existence remains low amongst children.

16. **The Committee recommends that the State party expand its support to the helpline and that a three-digit toll free number be established seven days a week, thereby facilitating increased awareness of the existence of the helpline amongst children.**

### **Allocation of resources**

17. The Committee is concerned that neither the report of the State party nor its written replies provide a clear picture of the financial allocations for children in its budgets. The Committee regrets that the budget allocation to education is one of the lowest in the region (Europe) at 3.6 per cent of the gross domestic product (GDP).

18. **In the light of articles 2, 3, and 6 of the Convention as well as the recommendations of the Committee issued following its Day of General Discussion, held on 21 September 2007, on “Resources for the Rights of the Child - Responsibility of States,” the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations which ensure implementation of the economic, social and cultural rights of children, “to the maximum extent of available resources and, where needed, within the framework of international cooperation”. The Committee further encourages the State party to undertake a comprehensive budget review from a child rights perspective with a view to monitoring budget allocations for children.**

### **Data collection**

19. The Committee notes the development by the State party of a system of monitoring its National Action Plan, including through the development, in cooperation with the United Nations Children’s Fund (UNICEF), of Devinfo. The Committee notes, however, that in many

areas covered by the Convention reliable data for the monitoring and evaluation of the situation of children in the State party, including vulnerable groups, are not available.

**20. The Committee encourages the State party to proceed with its efforts to establish a consolidated system for the comprehensive collection and analysis of disaggregated data allowing for comparative analysis covering all children, with specific attention to groups of children who are in need of special protection.**

#### **Dissemination of the Convention and training**

21. The Committee, while noting the existence of a civic educational manual for training teachers, is concerned at the lack of further information on the dissemination of the Convention and the promotion of awareness of its principles and provisions across government agencies and civil society as well as the media. The Committee is also concerned that human rights training, including on child rights, provided to judicial officers, health personnel and other relevant professional groups is insufficient.

**22. The Committee recommends that the State party undertake efforts, in cooperation with local non-governmental organizations (NGO) and the international community, to systematically disseminate information on the Convention among children, parents, civil society organizations and government agencies, and to provide all relevant professional groups with targeted and regular training on the provisions and principles of the Convention.**

#### **Cooperation with civil society**

23. The Committee notes that collaboration between governmental institutions and NGOs takes place, including through the cooperation of representatives of both governmental and non-governmental entities, in the Council for the Rights of the Child. However, the Committee is concerned that the cooperation with civil society organizations is not systematically encouraged.

**24. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention and encourages closer cooperation with NGOs. The Committee recommends that the State party systematically promote a climate of collaboration between the Government and civil society organizations working with and for children throughout all stages of the implementation of the Convention.**

## **2. General principles (arts. 2, 3, 6 and 12 of the Convention)**

#### **Non-discrimination**

25. The Committee commends the State party for the inclusion of special provisions on protection from discrimination in its legislation, such as the Law on Protection of Disabled Persons against Discrimination and the Law on the Protection of the Rights and Freedoms of National Minorities, as well as initiatives targeted at the inclusion of minorities. The Committee notes that the draft law on prohibiting discrimination is awaiting adoption and is concerned that certain groups of children, including Roma children, children of returnees, children without birth certificate, children belonging to minorities and children with disabilities, face de facto discrimination, most importantly with regard to access to education and health care. The

Committee is also concerned at the lack of a comprehensive strategy to combat discrimination and the negative portrayal of these groups in the media.

**26. In accordance with article 2, the Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination and pay particular attention to the most vulnerable groups. The Committee recommends that the State party use all measures to overcome the stigmatization of children belonging to vulnerable groups. The Committee also recommends that the State party take effective immediate action to favour children belonging to vulnerable groups, to enable them to effectively enjoy full access to education and any other rights, including by expediting the adoption of a law on the prohibition of discrimination, and increase awareness-raising of the role of the media.**

#### **Best interests of the child**

27. While noting that several laws of the State party such as the Law on Family Relations (art. 6) refer to the principle of the child's best interests, the Committee is concerned that the principle is not sufficiently implemented in practice, in particular due to lack of understanding of its specific meaning. The Committee is concerned that the principle is not sufficiently applied and is frequently misunderstood.

**28. The Committee recommends that the State party take all appropriate measures to ensure that the principle of best interests of the child, in accordance with article 3 of the Convention, is adequately integrated in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children. To this end, the State party should take the necessary measures to raise awareness of the practical application of this principle.**

#### **Right to life, survival and development**

29. While the Committee welcomes the progress made by the State party in reducing child mortality, it remains concerned at the high rate of infant mortality among the Roma. The Committee notes the development of a new law on traffic safety and the efforts made to increase safety in the areas around schools, but it is concerned at the lack of additional initiatives to curb the high number of traffic accidents leading to death.

**30. The Committee recommends that the State party seek to fully implement article 6 of the Convention by prioritizing all measures necessary to reduce the rate of infant mortality, particularly among the Roma. The Committee also recommends that the State party enhance road safety to reduce the high number of deaths caused by accidents through the adoption and implementation of a new law on traffic safety and additional awareness-raising initiatives.**

#### **Respect for the views of the child**

31. The Committee welcomes the efforts of the State party to promote the respect for the views of the child, inter alia by the adoption of the new Law on Family Relations. The Committee remains concerned that this principle is not adequately respected in families, schools and other institutions and in the community, and that it is not fully taken into account in the

administrative and judicial proceedings and in the development and implementation of laws, policies and programmes.

**32. The Committee recommends that further efforts be made to ensure the implementation of the principle of respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child to be heard in the family, at school, within other institutions and bodies, in the community and in society at large, with special attention to vulnerable and minority groups. This right should also be incorporated into all laws, policies and programmes relating to children.**

### **3. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

#### **Birth registration**

33. The Committee notes that the State party has achieved close to universal birth registration in most areas, but is concerned at gaps and disparities among the rural population, in particular among the Roma and the internally displaced persons. The Committee is concerned that birth registration procedures are overly complicated and that children are at times not registered due to the lack of identification documents of parents. The Committee is concerned that this may place Roma and internally displaced children in a vulnerable position as undocumented citizens and consequently excluded from access to basic services.

**34. In the light of article 7 of the Convention, the Committee urges the State party to continue and strengthen, as a matter of priority, its efforts to establish a system ensuring the registration of all children born within its territory - irrespective of the nationality and status of the parents. The Committee further recommends that the State party take specific steps to remove existing gaps and obstacles to universal civil registration and to ensure registration of the children of Roma and internally displaced persons, in order to enable these groups to exercise the full range of rights recognized in the Convention.**

#### **Torture and other cruel, inhuman or degrading treatment or punishment**

35. The Committee welcomes the efforts made to eliminate the identified deficiencies in the care of residents of the special institution for children and juveniles “Dr. Nikola Šumenkovič” in Stamnica. The Committee is still concerned at the reported treatment of children with disabilities in some social care institutions, in which severe and long-term forms of restraint and seclusion have reportedly taken place, and it is concerned that such practices could amount to ill-treatment or even torture.

**36. The Committee recommends that the State party take all necessary measures to put an end to practices against children with disabilities in institutions that could amount to torture or ill-treatment and that increased efforts be made to address the causes to prevent severe and long-term restraint and seclusion. The Committee also recommends that legislative measures be adopted for the full compensation and rehabilitation of children victims of such practices and that training on the human rights of children with disabilities be systematically provided to health and social care professionals.**

**Follow-up to the United Nations study on violence against children**

37. **With reference to the United Nations study on violence against children (A/61/299), the Committee recommends that the State party:**

(a) **Take all necessary measures for the implementation of the recommendations contained in the report of the independent expert for the United Nations study on violence against children while taking into account the outcome and recommendations of the regional consultation for Europe and Central Asia, held in Ljubljana, Slovenia, from 5 to 7 July 2005. In particular, the Committee recommends that the State party pay particular attention to the following recommendations:**

- (i) **To prohibit all violence against children;**
- (ii) **To promote non-violent values and awareness-raising;**
- (iii) **To provide recovery and social reintegration services;**
- (iv) **To develop and implement systematic national data collection and research;**

(b) **Use these recommendations as a tool for action, in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;**

(c) **Seek technical assistance from UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the World Health Organization (WHO) and other relevant agencies, inter alia, ILO, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNHCR) as well as NGO partners in this context.**

**4. Family environment and alternative care  
(arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39 of the Convention)**

**Family environment**

38. The Committee notes the progress made in legislation, including through the adoption of the new Constitution and the Law on Family Relations as well as the introduction of joint custody and other measures taken by the State party to improve the situation for children in alternative care and decrease the number of children in institutions, including the establishment of a Social Innovation Fund. The Committee also notes the shift towards decentralized and community-based services with a view to improving living standards that are directed to reintegration. However, the Committee is concerned at the lack of a systematic support system and multisectoral service provision to parents, and at the overall weakness of measures to support families and prevent deterioration of family relations and its effect on children due to the lack of well trained social workers.

39. **The Committee recommends that the State party:**



(a) **Take effective measures to strengthen support, such as improved social assistance and support to families, by developing a comprehensive child-centred family policy to enable families to care for their children at home wherever possible and promote positive child-parent relationships;**

(b) **Enhance the professional training of social workers;**

(c) **Improve the extent and quality of social and psychological support provided to children and families in need of assistance.**

#### **Children deprived of a family environment**

40. The Committee welcomes that the placement of children outside of their families will be decided by a judge. The Committee further welcomes the commitment of the State party to de-institutionalize children while at the same time enhance standards in the existing institutions. The Committee is concerned that, despite the existence of data on the general conditions of children and a national standard for assessment of both the decision of referrals and placements as well as the existence of review procedures, there is a lack of implementation of these standards. The Committee is also concerned at reports of high numbers of children, particularly children with disabilities, who remain placed in institutions, often far away from their initial place of residence and at the low quality of care and treatment. Concern is also expressed at the limited number of foster families.

41. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to move towards de-institutionalization ensuring that supplementary structures are in place to provide adequate follow-up and reintegration support and services for children who leave institutional care;**

(b) **Implement a national assessment procedure for purposes of referral, placement and review of placement of children to ensure that children residing in institutions that are being closed are fully informed and able to participate in deciding on their future placement, and that these children retain their rights to social protection;**

(c) **Encourage individuals to offer themselves as foster parents, inter alia through providing them with employment opportunities.**

#### **Adoption**

42. The Committee regrets that insufficient information on procedural aspects of adoption was provided. The Committee encourages more permanent family environments to be considered through the use of adoption. The Committee also notes that the State party has not ratified the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

43. **The Committee recommends that the State party**

(a) **Establish the conditions under which a child is adoptable and ensure that the biological parents and the child have sufficient information prior to consenting to a decision;**

(b) **Effectively identify those children potentially adoptable and, having explored the possibility to maintain the link with their families, expedite the adoption process;**

(c) **Ensure that adoption takes into account the best interest of the child and that the child's view is heard and taken into account;**

(d) **Ensure that prospective adoptive parents are considered as eligible, prepared and suited for adoption;**

(e) **Promote adoption counselling and post-adoption services;**

(f) **Promote awareness of adoption in general and in particular promote adoption of children belonging to groups that have particular difficulties to be adopted including siblings, disabled children and minority children;**

(g) **Consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

#### **Abuse and neglect**

44. The Committee notes that the State party is making efforts to strengthen its domestic laws, build judicial capacity and raise public awareness with regard to issues of abuse and neglect. The Committee welcomes the introduction of protective measures against domestic violence into the Criminal Code and the Law on Family Relations as well as the recently drafted National Strategy against violence and the National Action Plan. The Committee is concerned at the lack of implementation of the above-mentioned provisions and that a general climate of violence, including domestic violence, still prevails in Serbian society. The Committee is also concerned at the lack of reporting mechanisms and that incidents of domestic violence remain underreported as are other forms of abuse, including sexual abuse. The Committee is further concerned at the insufficient training programmes destined to professionals to prevent and combat such abuses.

45. **In the light of article 19 and other relevant provisions of the Convention, the Committee urges the State party to:**

(a) **Ensure the effective implementation of its protective laws and measures against violence;**

(b) **Strengthen its efforts to prevent and combat all forms of domestic violence and abuse, including by establishing a comprehensive reporting mechanism and adopting measures and policies with a view to changing attitudes within the family and in society;**

(c) **Ensure that an assessment, referral and placement system is set up, that cases of domestic violence and abuse of children, including sexual abuse within the family, are properly investigated within a child-friendly judicial procedure, and that sanctions are applied to perpetrators, giving due regard to protecting the child's right to privacy;**

(d) **Ensure the provision of support services, such as psychological recovery and social reintegration, and prevent the stigmatization of victims;**

(e) **Take steps to enhance a better understanding and practice of non-violent communication.**

### **Corporal punishment**

46. The Committee is particularly concerned that corporal punishment in the family remains lawful and continues to be a widely used disciplinary method.

47. **The Committee urges the State party to expressly prohibit and enforce by law all corporal punishment in the family. The State party is further encouraged to undertake awareness-raising campaigns and education programmes on non-violent forms of discipline, to conduct research into the prevalence of corporal punishment of children in the family and other settings, and to enforce the law.**

### **5. Basic health and welfare (arts. 6; 18,para. 3; 23; 24; 26; 27,paras. 1-3, of the Convention)**

#### **Children with disabilities**

48. The Committee welcomes the efforts made by the State party to assist children with disabilities and their families, the start of pilot programmes and projects to provide inclusive education, and the steps aimed at the de-institutionalization of children and the shift towards family-based care. The Committee welcomes steps taken to immediately enforce the prohibition of placement of children at the institution in Kulina following a ministerial decision of 9 May 2008. However, the Committee is concerned at the large number of children with disabilities, and in particular mental disability, who still remain institutionalized, often together with adults. The Committee is also concerned that many children with disabilities are not included in the mainstream education system and at the general lack of resources and specialized staff for these children. It is also concerned at the prevailing societal attitudes which are conducive to stigmatization of children with disabilities.

49. **With regard to the efforts made by the State party to provide equal opportunities for the full participation of children with disabilities in all spheres of life, the Committee draws the attention of the State party to the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities. The Committee recommends that the State party take all necessary measures to:**

(a) **Collect adequate statistical data on children with disabilities and use such disaggregated data in developing a comprehensive and specific national policy on disability which promotes equal opportunities of persons with disabilities in society;**

(b) **Ensure that public education policy and school curricula reflect in all their aspects the principle of full participation and equality and include children with disabilities in the mainstream school system to the extent possible and, where necessary, establish special education programmes tailored to their special needs;**

(c) **Monitor and evaluate the quality of services for children with disabilities and raise awareness of all services available;**

(d) **Provide children with disabilities with access to adequate social and health services, including early intervention, psychological and counselling services;**

(e) **Ensure that professionals working with and for children with disabilities as well as teachers and social workers, such as medical, paramedical and related personnel are adequately trained;**

(f) **Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol, both signed on 17 December 2007;**

(g) **Seek technical cooperation with, among others, UNICEF and WHO.**

### **Health and health services**

50. The Committee welcomes the information provided by the State party on legislative and other measures aimed at providing equal access to health care for all. However, the Committee is concerned at the poor quality of health services in general, particularly in rural regions, and at the difficulties faced by vulnerable groups in accessing those services. The Committee is also concerned at the high number of people not covered by the compulsory health insurance and that the available health-care personnel are not trained and equipped to take into account children's special needs. The Committee is furthermore concerned that, despite improvements, the infant mortality rate remains high, particularly among ethnic minorities such as the Roma, and at the inadequate availability of baby friendly hospitals.

51. **The Committee recommends that the State party:**

(a) **Undertake all necessary measures to ensure that all children have access to quality and affordable health services, with special attention to vulnerable groups;**

(b) **Ensure that appropriate resources are allocated for the health sector, develop and implement comprehensive policies as well as programmes for improving the health situation of children;**

(c) **Continue to take measures to reduce infant and under-5 mortality, inter alia, by guaranteeing equal access to quality pre- and post-natal health services and facilities;**

(d) **Strengthen efforts to improve the nutritional status of children, with particular focus on vulnerable groups, through education and promotion of healthy feeding practices;**

(e) **Facilitate greater access to quality primary health services by mothers and children in all areas of the country;**

(f) **Continue to strengthen preventive measures central to a child's healthy development, particularly by increasing access to baby friendly hospitals that do not separate new born babies from their mothers after birth.**

### **Breastfeeding**

52. The Committee notes that while there has been a relatively high rate in initiating breastfeeding, exclusive breastfeeding for the first 6 months remains inadequate. The Committee notes the prevalence of advertisements for breast-milk substitutes with concern and that few baby friendly hospitals exist.

53. **The Committee recommends that the State party promote exclusive breastfeeding for the first 6 months and strengthen the monitoring capacity for the implementation of the International Code of Marketing of Breast-milk Substitutes. The Committee also recommends that increased attention be placed on setting up baby friendly hospitals as a priority.**

#### **Adolescent health**

54. The Committee welcomes the recent laws and strategies and the increased awareness-raising efforts of the State party to protect adolescents, including through the adoption of the new Law on Health Care and Law on Health Insurance. The Committee is concerned at the absence of a comprehensive national strategy or systemic responses for adolescent health and at the extremely high rate of teenage pregnancies. The Committee is also concerned that children's right to privacy may not be fully respected in schools and health system, particularly in medical check ups and treatments and that a comprehensive mental health policy does not exist.

55. **The Committee recommends that the State Party, while taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child:**

(a) **Enhance its efforts to address adolescent health issues and to ensure that the programmes for adolescent health are effectively implemented, including through the provision of adequate resources;**

(b) **Ensure that adolescents have access to child-sensitive and confidential counselling services;**

(c) **Take all possible measures to guarantee the conditions for respecting the right to privacy for children;**

(d) **Develop a comprehensive child and adolescent mental health policy which includes all obligatory components, as recommended by WHO, inter alia regarding mental health promotion activities, prevention of mental disorders in primary health care, outpatient and inpatient services for emotional and mental disorders to reduce rates of suicides and institutionalization.**

#### **Drug, tobacco, alcohol and other substances use**

56. The Committee notes that the State party has taken measures to criminalize trafficking of illegal substances. The Committee remains concerned at the high incidence of drug, tobacco, alcohol and other toxic substances use among children.

57. **The Committee recommends that the State party take all necessary measures to address the use of illicit substances, alcohol and tobacco by children, inter alia by providing children with accurate and objective information on toxic substances and tobacco use, and that it provide support to those attempting to abandon their use or dependency.**

#### **Standard of living**

58. The Committee notes that many families live in economic hardship with about 10 per cent living below the official poverty line and enduring deprivations of basic services. The

Committee remains concerned about the high number of households and public institutions, whether urban or rural, that have access only to poor quality water and sanitation. The Committee is further concerned at the considerable disparities in standard of living among different groups of children and families. Poverty among the Roma in particular is four to five times higher than among the general population and they are deprived of social services due, among others, to discriminatory practices. The Committee is concerned that poor living conditions seriously limit children's enjoyment of their rights in the family, schools and in peer and cultural activities.

**59. In accordance with article 27 of the Convention, the Committee recommends that the State party:**

**(a) Strengthen its efforts to address the low standard of living among children and families living in poverty, inter alia, through allocating resources for effective poverty reduction measures, especially at the local and community level;**

**(b) Provide children living in poverty with an opportunity to be heard and to express their views in the planning and implementation of poverty reduction programmes, especially at the community level;**

**(c) Take measures to develop safety net programmes which target the most vulnerable groups for the enjoyment of free access to social and health services, education and housing, clean drinking water and sanitation;**

**(d) Take steps to monitor the poverty situation of children regularly and take urgent measures to address all deprivation of factors.**

#### **6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

##### **Education, including vocational training and guidance**

60. The Committee welcomes recent encouraging developments, including the reported decrease in illiteracy rates, improvements in the level of education, enhancement and expansion of the educational preschool facilities, the implementation of mandatory preparation for school and the adoption of an Action Plan for Roma Education Improvement. The Committee also notes that the State party has made important steps to reorganize and modernize its school system within the framework of its education reform, inter alia curriculum revisions, teacher training and achievement assessments. Nevertheless, the Committee remains concerned at:

(a) The low budget allocations for the educational system and slow progress with regard to the implementation of the reform;

(b) The "hidden costs" of free education, inter alia for books, stationary, transportation and for private tuition in order to compensate for the poor quality of the educational system;

(c) The many schools in need of renovation, their poor equipment and training of teachers which does not prepare them for interactive teaching methods;

(d) The incomplete enrolment, the high levels of drop-outs and the comparatively lower achievement of children belonging to vulnerable groups, including children from rural

areas, children living in economic hardship and deprivation, Roma children and children from other minority groups, refugee and internally displaced children;

(e) The slow progress in training sufficient numbers of teachers able to teach in minority languages;

(f) The marginal incorporation of human rights and child rights education in schools at all levels;

(g) The slow expansion of vocational education and training, including for children who have dropped out;

(h) The reported widespread violence in schools, particularly among students;

(i) The quality of education and the situation of the most vulnerable groups of children.

61. **The Committee recommends that the State party:**

(a) **Take all necessary measures to ensure that the right to education is fully implemented so that children belonging to vulnerable groups, including rural children, children living in economic hardship and deprivation, Roma children and children from other minority groups, refugee and internally displaced children, fully enjoy their right to education;**

(b) **Improve the efficiency of the educational system, including through appropriate budget allocations;**

(c) **Improve professional qualification of teachers and in particular pay attention to slow learners and the high drop-out rates among vulnerable groups of children;**

(d) **Enhance efforts for the training of teachers before and in-service with the view of enhancing the interactive learning methods;**

(e) **Increase the availability of vocational training programmes for young people, in order to facilitate their access to the labour market;**

62. **In the light of article 29 of the Convention, the Committee recommends that the State party:**

(a) **Further strengthen efforts to improve the quality of education by continued curriculum reform;**

(b) **Include education on human rights, including on the rights of the child, in the general educational curriculum;**

(c) **Establish adequate programmes and activities with a view to creating a school environment of tolerance, peace and understanding of cultural diversity shared by all children to prevent intolerance, bullying and discrimination in schools and society at large;**

(d) **Take account of the Committee's general comment No. 1 (2001) on the aims of education, in particular with regard to children belonging to the most**

**vulnerable groups (i.e. minority groups, those living in poverty, refugee and returnee children, Roma children, children with disabilities, etc.).**

#### **Rest, leisure, recreation and cultural and artistic activities**

63. The Committee welcomes the attention given by the State party to school-based sports and recreation as well as the support provided to sports activities. The Committee is concerned that the access to sports facilities to a large degree still remains dependant on family's income.

**64. In the light of article 31 of the Convention, the Committee encourages the State party to continue and strengthen its focus on children's sports, play and cultural activities, including through adequate resource allocation and technical cooperation projects.**

#### **7. Special protection measures**

**(arts. 22; 30; 38; 39; 40; 37 (b)-(d); 32-36 of the Convention)**

#### **Refugee children**

65. The Committee welcomes the progress made in establishing a clear legal framework governing the treatment of refugees by way of adopting the Law on Asylum in December 2007. The Committee is concerned that a large percentage of the returned children remain unregistered and therefore do not have access to all basic services.

**66. The Committee recommends that the State party take all necessary measures to ensure that all children, including child returnees, are fully registered and effectively benefit from the social protection systems.**

#### **Economic exploitation including child labour**

67. The Committee welcomes the ratification by the State party of ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour with a view to extending special protection to children. The Committee is concerned at the continued existence of child labour in the State party, in particular in the rural areas and the informal sector. Furthermore, the Committee regrets the lack of data in this respect.

**68. The Committee recommends that the State party, in accordance with article 32 of ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour:**

(a) **Undertake a comprehensive national survey of the number, composition and characteristics of working children in order to design and implement comprehensive strategies and policies to address the causes with a view to enhancing prevention and, where children are legally employed, ensure that their work is not exploitative and is in accordance with international standards;**

(b) **Establish, if necessary, cooperation with ILO International Programme on the Elimination of Child Labour (IPEC) and UNICEF in this regard.**

#### **Street children**

69. The Committee appreciates the measures taken to address the rights and needs of street children such as the implementation of the programme "Children of the Streets" covering care



and protection for 27 Roma children. However, the Committee is concerned that these children are especially vulnerable to trafficking and economic and sexual exploitation.

**70. The Committee encourages the State party to continue its efforts in cooperation with relevant NGOs to fulfil the rights and needs of street children, to address the root causes and develop effective strategies to increase awareness of the rights of street children. Furthermore, the Committee urges the State party to provide protection and assistance to children currently living on the streets taking into account the views of these children. The State party is further urged to elaborate and implement programmes to prevent children from leaving families and schools for the street.**

#### **Sexual exploitation and trafficking**

71. The Committee welcomes the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child pornography and child prostitution as well as the establishment of a National Team for the Prevention and Suppression of Trafficking of Human Beings. However, the Committee is concerned at the lack of data and the lack of a comprehensive national strategy to prevent trafficking and sexual exploitation of children. The Committee is furthermore concerned at the lack of reintegration and rehabilitation programmes and services exclusively for child victims and at reports of sexual abuse by law enforcement officials.

**72. The Committee recommends that the State party:**

**(a) Strengthen its efforts to reduce and prevent the occurrence of sexual exploitation, sale of children and trafficking, through, inter alia, undertaking a comprehensive study and data collection of the occurrence and the dimension of the problem and implement comprehensive strategies and policies;**

**(b) Strengthen cooperation with the authorities of countries from or to which children are trafficked in order to combat the phenomenon;**

**(c) Continue to sensitize professionals, parents, children and the general public to the problems of sexual abuse of children and trafficking through education, including media campaigns;**

**(d) Develop a comprehensive national strategy to prevent trafficking and sexual exploitation of children;**

**(e) Increase protection provided to sexually exploited and trafficked children, who should be treated as victims and not criminalized. The Committee recommends that this take place including through prevention, witness protection, social reintegration, access to health care and psychological assistance in a coordinated manner, including by enhancing cooperation with NGOs. In this respect, account should be taken of the Declaration and Agenda for Action and the Yokohama Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children, held in 1996 and 2001 respectively;**

**(f) Ensure that a confidential, accessible and child-sensitive mechanism is established to receive and effectively address individual complaints of all children,**

**including those in the 14 to 18 age group in addition to the existing toll-free national helpline;**

**(g) Ensure the prosecution of perpetrators;**

**(h) Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate complaints and prosecute perpetrators, in a child-sensitive manner;**

**(i) Seek assistance, if necessary, from UNICEF, among others.**

#### **Administration of juvenile justice**

73. The Committee welcomes the adoption of the Law on Juvenile Perpetrators of Criminal Acts and on Criminal Legal Protection of Minors, which provides for special provisions for young offenders, such as, inter alia, mandatory defence of minors, exemptions and limited duration of proceedings and the imposition of guidance measures instead of juvenile prison. The Committee also welcomes the various projects aimed at the reintegration of juvenile perpetrators. The Committee is concerned at the lack of implementation of the existing provisions due to various factual constraints and the lack of an effective juvenile justice system of specialized prosecutors, judges and social workers to deal with children in conflict with the law.

74. **The Committee recommends that the State party:**

**(a) Continue and strengthen its efforts to ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“the Beijing Rules”), the United Nations Guidelines for the Prevention of Juvenile Delinquency (“the Riyadh Guidelines”) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (“the Havana Rules”), taking into account the Committee’s general comment No. 10 (2007) on child rights in juvenile justice.**

**(b) As a matter of priority, pay particular attention to:**

**(i) The need to take measures to prevent and reduce the use of pretrial and other forms of detention and to make this detention as short as possible, inter alia, by developing and implementing alternatives to detention such as community service orders, interventions of restorative justice, etc.;**

**(ii) The need to train police officers, prosecutors, judges, probation officers and others involved in the process of dealing with children in conflict with the law, in order to, inter alia, make sure that these children are interrogated by trained police officers who notify parents immediately about their child’s arrest and who encourage the presence of legal assistance for the child;**

**(iii) The need to promote, in accordance with article 40, paragraph 1, of the Convention, social reintegration of children in the society;**

**(c) Strengthen preventive measures, such as supporting the role of families and communities in order to help eliminate the social conditions leading to problems such as delinquency, crime;**

**(d) Enhance enforcement of existing legislation;**

(e) **Request further technical assistance in the area of juvenile justice and police training from the Interagency Panel on Juvenile Justice and others, including UNICEF.**

### **Roma children**

75. The Committee, while noting the efforts made by the State party, such as the adoption of the Law on Protection of Rights and Freedoms of National Minorities, the Committee remains deeply concerned at the negative attitudes and prejudices of the general public and at the overall situation of children of minorities and in particular Roma children. The Committee is concerned at the effect this has with regard to discrimination and disparity, poverty and denial of their equal access to health; education; housing, employment; non-enrolment in schools; cases of early marriage; and decent standard of living. The Committee is also concerned at the very low levels of participation in early childhood development programmes and day care and the deprivation of education.

76. **The Committee urges the State party to:**

(a) **Initiate campaigns, including throughout the media at all levels and regions, aimed at addressing the negative attitudes towards the Roma in society at large, including among police and other professionals;**

(b) **Strengthen its efforts to remove discrimination and to continue developing and implementing - in close collaboration with the Roma community itself - policies and programmes aimed at ensuring equal access to culturally appropriate services, including early childhood development and education;**

(c) **Take all necessary measures to systematically register Roma children so as to provide equal access to health services and to avoid statelessness;**

(d) **Develop curricula units for children at school level, including in relation to Roma history and culture, in order to promote understanding, tolerance and respect for the rights of Roma in Serbian society as well as to enhance their Serbian language skills;**

(e) **Raise awareness in the Roma communities of the value of the girl child, her right to access education without discrimination as well as her right to be protected from early marriage and its harmful impact.**

## **8. Ratification of human rights instruments**

77. The Committee encourages that the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

## **9. Follow-up and dissemination**

### **Follow-up**

78. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, including by transmitting them to the members of the Government and National Assembly for appropriate consideration and further action.**

### **Dissemination**

79. The Committee recommends that the initial report and written replies submitted by the State party be made widely available in the languages of the country to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate on and awareness of the Convention, its implementation and monitoring.

### **10. Next Report**

80. The Committee invites the State party to submit its consolidated second and third periodic report by 12 March 2013. The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

81. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document set out in the “Harmonized guidelines on reporting to the international human rights treaties, bodies” including guidelines on the common core document and the treaty-specific document, approved at the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

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