



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-fourth session

### Summary record of the 1504th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Wednesday, 26 May 2010, at 10 a.m.

*Chairperson:* Ms. Ortiz (Vice-Chairperson)

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*The meeting was called to order at 10.10 a.m.*

### **Consideration of reports of States parties**

*Initial report of Serbia under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/SRB/1; CRC/C/OPAC/SRB/Q/1 and Add.1)*

*Initial report of Serbia under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SRB/1; CRC/C/OPSC/SRB/Q/1 and Add.1)*

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

2. **Ms. Jašarić-Kužić** (Serbia) recalled that Serbia had ratified the two Optional Protocols to the Convention on the Rights of the Child in 2002 and that the Ministry of Human and Minority Rights had been established in 2008 and had been given a mandate to prepare and coordinate reports on the implementation of international human rights treaties. She said that Serbia was wholly committed to building a democracy, which entailed the fulfilment of certain duties, including respect for human and minority rights. For that reason, the State was duty-bound to criminalize human rights violations and create a legal and political environment in which all administrative authorities would be aware that the law applied to all equally. The Ministry of Human and Minority Rights had the most important role to play in that respect, as it was responsible for drafting laws, strategies and action plans to upgrade the existing legal order. In February 2009, the Ministry had signed a cooperation agreement with the non-governmental sector with a view to increasing the involvement of civil society organizations in policymaking and decision-making on human rights protection. Civil society organizations figured prominently in the social, economic and political affairs of Serbia and had made an immeasurable contribution to the transition to democracy.

3. Attention should be drawn to the fact that Serbia was unable to implement the Optional Protocols or to oversee their enforcement in the Autonomous Province of Kosovo and Metohija, as that province had been entrusted to the United Nations Interim Administration Mission in Kosovo (UNMIK) since June 1999 in accordance with Security Council resolution 1244 (1999). Consequently, the initial reports (CRC/C/OPAC/SRB/1 and CRC/C/OPSC/SRB/1) contained no details on the implementation of the Optional Protocols in that province. The Government of Serbia stood ready, however, to provide any information it had on the subject and wished to help the Committee in its work; she therefore suggested that the Committee might wish to request the relevant information from UNMIK directly.

4. For the first time in its history, Serbia's Constitution explicitly mentioned children's rights. It guaranteed the right to free development of personality, the sanctity of human life and the inviolability of physical and mental integrity. In addition, under the Constitution it was forbidden to engage in any form of slavery, human trafficking or forced labour, with the latter being defined as including sexual and economic exploitation of a person. It also established that children enjoyed human rights appropriate to their age and mental maturity and provided for their protection from physical, mental, commercial and any other form of exploitation or abuse. Children under 15 years of age could not be employed, and persons under 18 years of age were not permitted to hold any job or perform any duties harmful to their health, education or morals.

5. Her Government's commitment to European integration was reflected in the national legislation reform process, which was designed to harmonize regulations with the European Union *acquis* and to embrace international and regional human rights standards. Serbian

legislation upheld the principle of the best interests of the child in the Family Act, and the Criminal Code and in its laws on education, health care, labour, protection of minors, prohibition of discrimination, the civil service and military duty.

6. The platform for all the activities and actions being undertaken in Serbia to advance children's rights was the National Plan of Action for Children, which was based on four of the main principles enshrined in the Convention: the right to life, survival and development; the best interests of the child; protection from discrimination; and the right to participation. The priorities set forth in the National Plan of Action were: reduction of child poverty; social protection; a quality education for all children; better health for all children; advancement of the status and rights of children with developmental impairments; protection of the rights of children without parental care; non-discrimination; protection of persons with disabilities; protection of children from all forms of violence, abuse, neglect and exploitation; prevention of human trafficking, reintegration of returnees, management of migration and prevention of illegal migration; inclusion of Roma children; and national capacity-building for the resolution of children's problems.

7. Since 2000, Serbia had established many new institutional mechanisms for the protection of children at the national level and had consolidated existing ones. Such mechanisms included councils for the rights of the child, initiatives for combating human trafficking and programmes for monitoring the activities of agencies in charge of criminal proceedings and the enforcement of criminal sanctions against minors. The Defender of Citizens and the Provincial Ombudsman of the Autonomous Province of Vojvodina also had special deputies in charge of children's rights.

8. The adverse social situation that had prevailed for many years had exposed children to a higher risk of exploitation through pornography, prostitution and trafficking. This was especially true of children who were illegal immigrants, street children, missing and abducted children, and children applying for readmission. To address the issue, the National Strategy for the Protection of Children from Violence had been adopted in 2008, and in June 2009 the Government had signed the European Convention on the Exercise of Children's Rights and the revised European Convention on the Adoption of Children. Future efforts to promote human rights would focus on improving services in the local community to provide support to children protected under the Optional Protocol on the sale of children, child prostitution and child pornography. In addition, the Ministry of Human and Minority Rights had concluded a cooperation agreement with Save the Children Norway in May 2010 to set up an effective system to protect children against sexual abuse, exploitation, and other potential risks posed by the Internet. The country had also made considerable headway in the fight against human trafficking. Specific advances included the ratification of the Convention on Action against Trafficking in Human Beings in March 2009 and amendments to Serbia's Criminal Code in August 2009 to introduce harsher penalties for human trafficking.

9. Military service was a general duty performed on equal terms by all Serbian nationals, with recruits usually being called up for military service between the ages of 19 and 27. The 2009 Military, Labour and Material Duty Act explicitly prohibited any military engagement of minors under 18 years of age. National legislation also prohibited the sale of arms to a country of final destination in which children were known to be, or might potentially be, recruited or used in hostilities. In addition, Serbia, like a number of other European countries, had introduced legal provisions under which a military conscript could perform other services as an alternative to military service on the grounds of conscientious objection.

10. While aware of the existing challenges, her Government remained steadfast in its efforts to meet international commitments and standards, especially in the sphere of the rights of the child. Those efforts entailed proactive cooperation with international bodies

dealing with those issues, and she was confident that the dialogue with the Committee would make a valuable contribution to her Government's efforts to upgrade and strengthen the human rights system in the Republic of Serbia.

11. **The Chairperson** invited the Committee to consider the initial report of Serbia under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

12. **Mr. Gurán** (Country Rapporteur) said that significant progress had been made in promoting children's rights in Serbia over the past two or three years, particularly with respect to new legislation, social welfare, education, protection measures and cooperation with non-governmental organizations working in Serbia, thanks to 10 years of peace which had given rise to political changes, the establishment of democracy and a firm desire on the part of the Government to join the European Union and implement its *acquis* on human rights. There were, however, three main obstacles to the implementation of the Optional Protocol on the involvement of children in armed conflict. The first was the existence of regional disparities, and it was thus unfortunate that information was not available from UNMIK on the implementation of the Optional Protocols in Kosovo and Metohija. The second was the fact that a number of progressive laws recently adopted in Serbia did not provide for the full implementation of all articles of the Convention on the Rights of the Child or, especially, of the Optional Protocols. The third issue concerned the need for adequate training and education in order to raise awareness about children's rights.

13. He asked for further information on the Military, Labour and Material Duty Act adopted in October 2009 and, in particular, on the precise age at which persons registered for and actually commenced their military service. Was it possible, in practice, for either to take place before the age of 18? He also requested clarification on the age of recruitment in a state of war and a state of emergency. Further information would also be appreciated on the exact powers of the Ministry of Human and Minority Rights and on the procedures it would follow to coordinate implementation of the Optional Protocol. He noted that, in Europe, it was more usual for the Ministry of Defence to be responsible for implementing the Optional Protocol.

14. Turning to the country's military schools, and in particular the Military Grammar School, he asked for more information on the status of students. He wished to know if they were being prepared specifically for entrance into the Military Academy, if they were guaranteed access to all children's rights, if the schools were monitored by independent bodies and whether or not students could make complaints and, if so, to whom. Finally, he asked for further information on the preconditions for entry to the schools, how students were selected and whether or not students from minority groups could enrol.

15. **Mr. Kotrane** asked what specific sanctions were provided for in Serbian criminal law in order to implement article 4 of the Optional Protocol, which required States parties to prohibit and criminalize the recruitment or use of children aged under 18 by armed groups other than the armed forces of the State party. In paragraph 116 of its initial report (CRC/C/OPAC/SRB/1), the Government had stated that no armed group operated on or from or had a sanctuary in Serbian territory and that, consequently, no recruitment by any armed group was taking place. The fact remained, however, that the Optional Protocol expressly and explicitly required States parties to prohibit any such recruitment.

16. The delegation should specify what kind of protection was afforded to people who were displaced within Serbia. The Human Rights Committee had expressed concern at reports that displaced children encountered difficulties when enrolling for school. Regarding the extraterritorial application of laws prohibiting the use of children in armed conflict, he cited two provisions of the Criminal Code that were apparently inconsistent in respect of universal jurisdiction and asked for clarification. Did the principle of double

criminality apply? Did the relevant provisions require, as noted in the report, that the State where the crime was committed should apply a penalty of at least five years' imprisonment for the offence? If that was the case, Serbian law would appear to run counter to the spirit of the Optional Protocol.

17. **Ms. Al-Asmar** said that she would like to know whether the Military Grammar School operated under the auspices of the Ministry of Education or under another ministry. As humanitarian law and peace education were optional courses, what approach had been adopted to provide information on human rights and, in particular, on the Optional Protocols, to children who did not choose to study those subjects? Noting that Serbia had stationed peacekeepers in other countries, including some in which children were involved in armed conflict, she asked what training they received in relation to the Optional Protocol and the Convention in general. Lastly, the delegation should describe what systematic evaluations had been conducted regarding implementation of the Optional Protocol.

18. **Mr. Puras** asked how well the Optional Protocol was known among the general public, professionals working with children and children themselves. Were there any plans to make the currently optional courses in peace education and humanitarian law mandatory for all? The delegation should inform the Committee what efforts had been made to foster a spirit of tolerance, bearing in mind the complex history and the legacy of tensions among the peoples of the former Yugoslavia. Had the Government taken any actions to counter the effects of youth groups that advocated intolerant points of view?

19. **Mr. Citarella**, noting that the Optional Protocol was in theory directly applicable in Serbia, asked to what extent that instrument was well known, not only in civil society but, above all, in military establishments and academies. Serbia had adopted stringent laws forbidding the export of small arms to countries where children were used in armed conflict. He asked what practical measures had been taken to ensure that the law was effectively enforced.

20. **The Chairperson** asked whether immigration officials were aware of the existence of the Optional Protocol and were trained to identify immigrant children who were liable to have been involved in armed conflict. What social and educational measures were used to care for such children?

21. **Ms. Aidoo** (Country Rapporteur), noting that the report and the written replies stated very clearly that the export of small arms to places where children were likely to take part in armed conflict was strictly forbidden, asked how the enforcement of that law was monitored in practice. The delegation should inform the Committee whether any violations of the law had occurred and, if so, what penalties had been applied. The Committee would also find it useful to receive estimates of the illicit flow of arms within Serbia, as such flows could potentially be diverted to other countries.

*The meeting was suspended at 11 a.m. and resumed at 11.20 a.m.*

22. **Mr. Karanović** (Serbia) said that one of the reasons for the adoption in 2009 of the Military, Labour and Material Duty Act had been to bring Serbian law into line with the provisions of the Optional Protocol. Military service included recruitment, compulsory service, alternative service and service in the military reserves. Upon induction, a medical and psychological examination was performed to assess suitability for service. By law, people were entered on the military registry only during the calendar year of their eighteenth birthday. Persons who opted for alternative service at the age of 19 were referred to specific organizations to perform such service. The legal provisions were quite specific and strictly in keeping with the Optional Protocol, as they prohibited the recruitment or use by the military of any person under the age of 18. Such provisions applied equally to persons subject to conscription and to those who volunteered for military service. In 2011, when conscription would end and the Serbian military would become a professional force

operating on a strictly voluntary basis, the provisions regarding age limits would still remain in force.

23. **Ms. Mohorović** (Serbia) said that the Ministry of Human Rights and Minorities had been established in 2008 with a mandate to promote the status of minorities and to represent Serbia in cases before the European Court of Human Rights. The Ministry was in charge of drawing up periodic reports on the implementation of all the basic international human rights instruments, including the Optional Protocol. It was also responsible for coordinating activities with the Ministry of Defence that related to matters falling within its mandate.

24. **Mr. Karanović** (Serbia) said that the status of students at the Military Grammar School was established by law; they were simply students and were not considered to be military personnel. The predecessor to military grammar schools, before 2008, had been military vocational schools, and the students in those institutions had held the status of military personnel. That was no longer the case, however. The school was a secondary boarding school, and the curriculum was the same as for any other secondary school. It was associated with the Military Academy and the Department of Human Resources of the Ministry of Defence, and it did operate under the auspices of the Ministry of Defence but it was in the process of being converted into an independent institution. The Military Grammar School did not belong to the army per se and was not a military institution. Its students received an education that was designed to allow them to continue on to the Military Academy, but they were given no training whatsoever in the use of arms or other military equipment and carried out no training in uniform. They were, however, taught a number of subjects related to those covered by the Military Academy, for example survival training.

25. **Mr. Gurán** (Country Rapporteur) asked if the students at the Military Grammar School had access to a complaints mechanism and whether or not the school was subject to an independent monitoring system.

26. **Mr. Karanović** (Serbia) said that the activities of the Military Grammar School were monitored by the Ministry of Defence but that, under the law, the situation at the school was also subject to review by the Ministry of Education. Both students and parents were able to file complaints against actions taken by school personnel, and an active students' parliament was in place. The parliament's views were taken into account in school decision-making, and parliament was also able to take up students' grievances with the administration. In the past two years, three such cases had been addressed in that manner. Enrolment was open to all on an equal basis, and the school received 13 times more applications than it could accommodate. Admissions criteria included Serbian nationality, an age limit, academic achievements and the results of an entrance test and a physical examination. Most of the students at the school were of a Serbian ethnic background, but other groups were also represented. In any event, ethnic background was of little importance, as priority was given to accepting the best candidates based on the entry requirements.

27. **Ms. Al-Asmar** said that it was her understanding that the entrance criteria included physical fitness for military studies and that the Ministry of Education did not usually participate in monitoring activities within the school. The delegation should inform the Committee what kind of final examinations were given at the school and whether subjects other than those related to the military were included. What measures were taken to ensure its students' emotional and mental health?

28. **The Chairperson** asked what would happen if a student at the Military Grammar School decided that he or she did not want to continue at that institution. Could the student transfer to another school? Would cases of violations of children's rights at the school be heard by a civilian court or a military tribunal?

29. **Mr. Karanović** (Serbia) said that the Military Grammar School was popular because it was widely perceived to be better than other types of schools owing to its high standard of education, strict entrance requirements and the additional activities it offered to students. Furthermore, attendance was free of charge, making it a particularly attractive option in the current economic climate. While the ultimate aim of the Military Grammar School was to prepare students for the Military Academy, students could opt out of doing so by paying a small sum. He would see to it that further details on that subject would be provided to the Committee. However, the fact that there would be fewer students continuing on to the Military Academy than had originally been planned was a more important issue than the costs incurred by students who chose not to continue.

30. **Mr. Djurašković** (Serbia) said that the offence of trafficking in human beings was more broadly defined in Serbia than in the United Nations Convention against Transnational Organized Crime, since it also covered exploitation in armed conflicts and coercion to commit criminal offences. Serbia had, in fact, had experience with cases of coercion to which that definition applied. The Criminal Code further stipulated that members of criminal groups could be prosecuted under provisions on trafficking in human beings. Members of such groups could also be treated as victims of human trafficking if coerced into crime, however.

31. **Ms. Mohorović** (Serbia) said that internally displaced persons enjoyed the same rights and benefits as other Serbian citizens, including access to health care and social assistance. Under a recently introduced law on education, internally displaced children were entitled to enrol in school without having to give proof of their parents' habitual place of residence. Internally displaced children were not required to perform military service.

32. **Ms. Cerović** (Serbia), in response to a question on universal jurisdiction, said that, under the Criminal Code, a Serbian national accused of committing an act that was classed as an offence under the criminal codes of Serbia and of the country in which it was committed could be prosecuted for that offence. If the offence was not covered in one or the other criminal code, proceedings could be initiated by the Office of the Public Prosecutor. The Criminal Code was also applicable to any foreign national who committed an offence against Serbian or other foreign nationals. Article 10 of the Criminal Code provided for the possibility of prosecution by the Office of the Public Prosecutor if the act in question was classed as an offence under international law, regardless of the criminal code of the country in which it was committed.

33. **Mr. Djurašković** (Serbia) said that, under the Council of Europe Convention on Action against Trafficking in Human Beings, the Criminal Code had been amended to permit the prosecution of all persons — not just the users of services which are the object of exploitation, as stipulated in the Council of Europe Convention — who were aware that trafficking in human beings had taken place. The offence of human trafficking also included exploitation of children in armed conflicts, which was punishable by five years' imprisonment.

34. **Mr. Kotrane** said that he had had difficulty following the delegation's comment to the effect that the specific offence of exploitation by armed groups of children in armed conflicts could be prosecuted under legislation prohibiting organized crime; criminal law had to be applied in a restrictive manner rather than generally, and judges could not use legislation intended to punish one offence to punish another. Specific legislation was required to fulfil the State party's commitments under article 4 of the Optional Protocol to prevent the recruitment and use of children in armed conflicts. Even if such practices did not currently exist in the country, such laws were needed in order to guard against them in the future. With regard to the question of universal jurisdiction, he took note of the fact that the public prosecutor could initiate proceedings on an exceptional basis under international law and commented that that system could perhaps be improved.

35. **Mr. Karanović** (Serbia) said that, although the Military Grammar School came under the Ministry of Defence, it was in no way linked to the army. The curriculum covered international humanitarian law and such instruments as the Convention and the Optional Protocols in order to ensure that children were aware of their rights. The law clearly provided that children had no military duties in the event of war or a state of emergency and that, under such circumstances, schools would be closed and children sent home.

36. In response to a question regarding 34 peacekeepers who had been stationed abroad, he said that all those involved in that mission had undergone a six-month training course at the Centre for Peacekeeping Operations. The course had been conducted in accordance with the procedures and standards of the Northern Atlantic Treaty Organization (NATO) and had included compulsory sections on international humanitarian law that had covered the Optional Protocols. The National Plan of Action for Combating Human Trafficking stipulated that such training was compulsory.

37. **Ms. Ivanović** (Serbia) said that Serbia had achieved a great deal over the past 10 years in raising public awareness about the rights protected by the Optional Protocol, especially among the professional community and among children themselves. There remained, however, room for improvement, and the Government would continue its efforts in that regard. A national strategy for the protection of children against violence had been adopted in December 2009. That strategy included the objective of strengthening the professional community's awareness of children's rights and covered a series of actions to be taken by the Government. Important regulatory measures had been introduced into the education and social protection systems, and training programmes on social protection, including protection of human rights in general and children's rights in particular, had been launched.

38. Civic education had been introduced into the school curriculum eight years previously. A total of 3,000 teachers had been trained to teach the civic education course, which included a module on the protection of human rights, including children's rights. The results of a 2009 survey on implementation of the course in secondary schools had indicated that the module on human rights was the most valuable.

39. **The Chairperson** asked whether the course specifically covered the Optional Protocol.

40. **Ms. Ivanović** (Serbia) said that, while the civic education curriculum might not specifically mention the content of the Optional Protocol, the course, which was modern and comprehensive and which used new, interactive methodologies, included topics that covered optional protocols and placed particular emphasis on the democratic principles of peace promoted by international instruments.

41. **Ms. Mohorović** (Serbia) said that all international instruments to which Serbia was a party, including the Optional Protocol, were directly applicable under domestic legislation. A judicial centre had been established in 2001 to inform those working in the legal system about the international human rights instruments that Serbia had ratified. There were currently no records on the extent to which the courts directly applied the Optional Protocol, but a database was to be created in order to gain greater insight into how well the State party was fulfilling its international human rights obligations.

42. **Mr. Karanović** (Serbia) said that municipal offices of the Ministry of Defence promoted human rights education for children, young persons and those subject to military service by providing information on the rights covered by the Optional Protocol by such means as flyers, posters and discussion groups in schools. In his opinion, military officials were quite familiar with the content of the Optional Protocols. He had been the head of the team that had drafted the Military, Labour and Material Duty Act, and he could vouch for



the fact that it duly took account of those rights in order to ensure that no children were involved in military activities.

43. With respect to the import and export of arms, he said that the Ministry of Economic Affairs and Regional Development, before issuing any licence for such activities, was required to obtain the approval of the Ministry of Defence and the Ministry of Foreign Affairs to ensure that the counterparty fulfilled the requirements of the Convention; if not, the licence would be denied.

44. **The Chairperson** asked for a more detailed response to Ms. Al-Asmar's question as to why the subject of human rights was optional in the curriculum of the Military Grammar School, given that it was so fundamental to the fulfilment of the State party's obligations under international human rights instruments such as the Optional Protocol.

45. **Ms. Al-Asmar**, repeating her question for the purposes of clarification, asked how the State party ensured that all children learned about their rights, particularly those covered in the two Optional Protocols, if they chose not to study human rights at school.

46. **Ms. Ivanović** (Serbia) said that, although the human rights module was indeed an optional part of the civic education course, there were many opportunities throughout students' education for them to learn about human rights. For example, by participating in the students' parliament, whose purpose was to promote the rights of children, students could be directly involved in decision-making processes within their schools.

47. **Ms. Aidoo** (Country Rapporteur) said that the Committee was interested in finding out whether States parties were systematically incorporating peace education into school curricula and civic education programmes in order to ensure that such values became the norm for students as they grew up.

48. **Ms. Ivanović** (Serbia) said that, in her personal opinion, surveys carried out in the State party revealed that children's awareness of their rights had changed as a result of the new mechanisms that had been introduced and the training carried out by international organizations. Those developments, together with the previously mentioned accredited training schemes, had led to progress in the field of children's rights in general and in the protection of children against exploitation, in particular.

49. **The Chairperson** asked whether the State party intended to withdraw the declaration that it had made when it ratified the Optional Protocol to the effect that minors could be called up for military service, since it no longer reflected the current legal situation in Serbia.

50. **Mr. Karanović** (Serbia) said that the suggestion to modify the declaration in order to reflect the current legislation of the State party would be submitted to his Government.

51. **The Chairperson** announced that the Committee had concluded its consideration of Serbia's initial report under the Optional Protocol on the involvement of children in armed conflict and invited the Committee to consider the initial report submitted by the State party under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SRB/1).

52. **Ms. Aidoo** (Country Rapporteur) said that the Committee appreciated the commitment demonstrated by the State party to the establishment of the legal and constitutional frameworks required for implementation of the Convention on the Rights of the Child and other international instruments. The Committee commended the State party for the steps that it had taken to protect the rights of child victims of violations under the Optional Protocol, including the election of a deputy ombudsman in October 2008, the introduction of the National Plan of Action for Combating Human Trafficking and the

National Strategy for the Protection of Children from Violence, and the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings. The Committee awaited the adoption of the bill on social protection that was pending.

53. She noted with regret that the initial report of the State party had not been drafted in accordance with the guidelines for reporting under the Optional Protocol, as it simply reproduced domestic legal provisions without relating them to the protection of children's rights or to the fulfilment of the State party's obligations under the Optional Protocol. It would be helpful to learn whether non-governmental organizations and civil society had been consulted during the preparation of the report. The delegation should also explain the nature of the collaboration between the Government and non-governmental organizations in formulating policy and in the strategic planning and budgeting of programmes to implement the Optional Protocol.

54. She welcomed the extensive review of the 2004 National Plan of Action for Children, which had resulted in the revised draft of the National Plan of Action for Children 2010–2015. However, the draft did not appear to specifically cover the sale of children, child prostitution and child pornography as defined by the Optional Protocol. She asked the delegation to clarify that matter and explain how the Government intended to close that gap, particularly in the light of the recommendation to include specific child protection provisions that had been made at a round table held in March 2010. The development of 21 Local Plans of Action for Children at municipal level was a positive development. She would welcome clarification as to whether they were linked to the National Plan of Action for Children, how they were funded and whether they covered the issues arising from the Optional Protocol.

55. She asked whether the Ministry of Human and Minority Rights, which was responsible for coordinating the implementation of the Optional Protocol and other children's rights treaties, had sufficient financial and human resources to carry out that role. She also asked the delegation to clarify which body was responsible for evaluating progress in meeting obligations and the nature of the relationship between the Ministry of Human and Minority Rights and the Council for Child Rights with regard to the implementation of the Optional Protocol. Further information would be appreciated on how the Government funded programmes to prevent and prohibit offences specified in the Optional Protocol and to assist child victims of such offences. Were there specific budgetary allocations in the relevant ministries? Was the National Plan of Action for Combating Human Trafficking funded by the Government? What support did it receive from other partners or donors?

56. The DevInfo data collection system had apparently failed to provide sufficient information on the offences covered by the Optional Protocol. It would be useful to know whether the State party planned to develop a comprehensive system to collect data on all child protection issues. The data provided by the various ministries and agencies were interesting but unfortunately were difficult to analyse, as all the information had been grouped under the legal and conceptual framework of "trafficking". She asked whether the State party had carried out studies, surveys and research on the geographical, social, ethnic and gender distribution of child victims and perpetrators of offences defined in the Optional Protocol and on the root causes of such crimes in order to facilitate targeted policies and strategies.

57. It would be helpful for the delegation to inform the Committee about any specific measures taken to prevent the occurrence of offences prohibited under the Optional Protocol, particularly measures that were geared towards children who were vulnerable or at risk of becoming victims, such as children living in poverty; children pushed into forced marriages, forced labour or forced begging; children living in street situations; minority children, including Roma; and refugee and internally displaced children. She asked how such children were identified, assisted and empowered so that they would not become

victims. What was being done to increase the registration of births of minority, Roma, refugee and internally displaced children in order to reduce their risk of falling victim to offences proscribed by the Optional Protocol?

58. With regard to the recovery and reintegration of child victims of abuse, neglect and exploitation, she welcomed the information provided by the State party in its written replies; however she was concerned about the lack of services, which had been recognized by the Ministry of Labour and Social Policy, for children and asked the delegation to inform the Committee how the State party intended to resolve such a critical problem. Additional information would also be appreciated on the conditions under which the repatriation of child victims from other countries took place and on the types of guarantees that existed for children's protection and safety upon their return to their country of origin.

59. **Mr. Kotrane** said that the exhaustive and detailed information provided by the State party was most welcome, as was the fact that Serbia had ratified the core international instruments linked to the Optional Protocol. He would, however, like to know why the State party had not yet ratified The Hague Conventions on Protection of Children and Cooperation in Respect of Intercountry Adoption and on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children and whether it intended to do so, particularly in the case of the former Convention.

60. He also welcomed the amendment of domestic criminal legislation to cover many of the offences prohibited by the Optional Protocol. However, since there were some questions pending, and even though the Committee had been informed that international conventions were directly applicable in national courts, the need for exact definitions of those criminal offences in domestic legislation remained, since otherwise perpetrators could not be brought to trial in domestic courts. Under the Criminal Code of the State party, could cases of forced child labour be prosecuted under the provisions prohibiting the sale of children, as defined by the Optional Protocol, and was that offence punished with a suitably severe penalty? Why was it that intermediaries in cases of illegal international adoption were liable to prosecution and punishment only in cases involving children aged under 14? Updated information on alleged incidents in which babies had been stolen from hospitals and illegally adopted would also be appreciated.

61. He noted that domestic legislation prohibited the sale of child pornography, but asked whether criminal law punished those who possessed such material, as stipulated by the Optional Protocol. He recalled that the State party prosecuted offences committed outside its national territory only if they carried a penalty of at least five years' imprisonment in the country where they took place. He asked what steps the State party intended to take to ensure that domestic courts prosecuted all offences proscribed by the Optional Protocol, regardless of where the crime was committed, in cases in which the victim was a child of Serbian nationality or living in Serbia, or in which the perpetrator was a Serb national abroad or a foreign national residing in Serbia. He welcomed the fact that the criminal legislation of the State party allowed for the prosecution of legal entities if they were found to be involved in an offence proscribed by the Optional Protocol.

62. In view of the fact that extraditions were carried out only under reciprocal agreements with other States, it would be of interest to know whether those extradition treaties were in compliance with article 5 of the Optional Protocol and whether the State party intended to fully implement that article.

63. Finally, he was surprised that, according to the detailed information provided by the State party, there had been no cases of the sale of organs. He asked whether that was because no instances had come to light and whether the sale of organs was considered a criminal offence under the law against the sale of children.

64. **Mr. Puras** said that he considered raising awareness of the Optional Protocol to be the best method of preventing offences. He asked to what extent the general public, professionals and children were familiar with the provisions of the Optional Protocol. He asked what the Government was doing to identify cases of sex tourism, to prevent them, to collect data, to bring perpetrators to justice and to provide support for child victims. He would also like to know what measures had been taken to prevent the sexual exploitation of children in institutional care or who had left institutions.

65. He asked what changes had taken place in the State party with regard to support for child victims of sexual exploitation and abuse since the submission of its last report in respect of the Convention on the Rights of the Child in 2008. Further information would be welcome on the mandates of social work centres, which were supposed to be available 24 hours a day and to provide the main source of support and advice on a local level for child victims of sexual abuse. He would like to know whether the network would be extended or whether more specialized services would be introduced. Detailed information on the training provided for professionals working in child services would be welcome.

66. **Mr. Citarella** said that the State party had failed to include the crime of the sale of children in the Criminal Code. According to the jurisprudence of the Committee, there was a difference between the sale of children and the trafficking of children, as defined by the Optional Protocol. He asked what legal procedure would be followed in cases of the sale of children in the State party. He welcomed the efforts undertaken by the State party to limit pornographic content on the Internet in Serbia, but would like to know what steps were being taken by the police and the Ministry of the Interior to shut down pornographic websites and to collaborate with international investigations.

67. **Ms. Al-Asmar** asked whether the State or civil society was responsible for the shelters that provided accommodation to victims of trafficking and what the source of funding for that service was. She went on to ask whether the State party intended to collect data on the domestic trafficking of children.

68. **The Chairperson** asked for further information about the role of the independent national human rights institution, particularly with regard to the Optional Protocol. She said that it was not sufficient to bring legislation into line with the Optional Protocol or to provide training for professionals in the field; it was also important to raise awareness among the general public, particularly adolescents. In that connection, she asked what role the media played in disseminating information on children's rights, what penalties were imposed for violating those rights, and what steps had been taken to encourage the media to portray children respectfully and to give children access to the information needed to defend themselves and to realize when they were at risk.

*The meeting rose at 1 p.m.*