



Convention on the Rights of the Child

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Summary record of the 1506th (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Wednesday, 26 May 2010, at 3 p.m.

Chairperson: Ms. Ortiz (Vice-Chairperson)

Contents

Consideration of reports of States parties (*continued*)

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Initial report of Serbia (continued)

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

Consideration of reports of States parties (*continued*)

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Initial report of Serbia (*continued*) (CRC/C/OPSC/SRB/1, CRC/C/OPSC/SRB/Q/1)

1. *At the invitation of the Chairperson, the members of the delegation of Serbia resumed their places at the Committee table.*

2. **Mr. Gurán** (Country Rapporteur) said that he had a number of additional questions. First, he asked whether Serbia adhered to the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (“the Paris Principles”) and whether it participated in the European Network of Ombudspersons for Children. Secondly, he welcomed the establishment of a regional ombudsman for children and asked whether that was part of Serbia’s general strategy or whether it was exceptional to have an ombudsman for children. Lastly, he asked whether there were any special programmes or institutions designed specifically for Roma children.

3. **Ms. Jašarević-Kužić** (Serbia), replying to Ms. Aidoo’s question about the participation of non-governmental organizations (NGOs) in the preparation of the report on the implementation of the two Optional Protocols, said that the initial report had been drawn up by the Agency for Human and Minority Rights, on the basis of information provided by the competent authorities and additional information from NGOs. NGOs had not been directly involved in writing the report, but, following the establishment in July 2008 of the Ministry for Human and Minority Rights, reforms were being introduced to the way in which reports were submitted to the United Nations, which would include participation by human rights NGOs. They had already actively participated in the preparation of reports to the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on Economic, Social and Cultural Rights, as well as the country’s core document. It was regrettable that they had not been involved in writing the report currently under consideration, but they would contribute to future reports. As for the involvement of NGOs in policymaking, significant progress had been made. Civil society organizations had been involved in drawing up a considerable number of laws, such as those on discrimination and a forthcoming law on social care and protection.

4. **Ms. Ivanović** (Serbia) said that civil society had also been involved in developing the National Plan for Children in 2004, which had subsequently been amended in line with the Committee’s recommendations. All the country’s legislation had been harmonized to reflect its international commitments. To the existing priorities listed in the Plan, an eighth had been added, on the protection of children in conflict with the law. Children were thus protected in all the fields covered by the two Optional Protocols, as a direct result of the Committee’s recommendations.

5. With regard to the question about which bodies were responsible for coordination and for evaluating the implementation of the Optional Protocols, the answer was that the Ministry for Human and Minority Rights was responsible for coordinating and preparing reports, but responsibility for implementation of the Protocols lay with the various ministries, which then communicated their data to the Ministry for Human and Minority Rights. It should be pointed out, in that context, that the Ministry received no specific budget allocation for that purpose. Moreover, there were only 38 staff and, of those, only 6 dealt with the implementation of the Convention.

6. In preparing a report, the Ministry followed the recommendations of all the various treaty bodies: it set up working groups, comprising representatives of the other ministries and NGOs, which held forums and round tables to discuss the work. Moreover, Serbia intended to change the style of its reports, so that they focused less on laws and regulations setting out theoretical standards and more on actual data.
7. **Mr. Gurán** (Country Rapporteur) commended the fact that the Ministry for Human and Minority Rights had been set up, but wished to know whether any one body was responsible for coordinating all activities relating to the protection of children and whether there was independent monitoring of such activities.
8. **Mr. Citarella** asked who was in charge of coordinating human rights policy as a whole. He wondered whether that role was fulfilled by the Ministry for Human and Minority Rights or by the Office of the Prime Minister, for example.
9. **Ms. Aidoo** (Country Rapporteur) said that, in many countries, responsibility for the protection of children was spread between various ministries, while one body was responsible for administrative aspects. She therefore wondered which body in Serbia was responsible for all activities relating to the sale of children or their involvement in prostitution or pornography. The word “monitoring” gave rise to particular difficulties, since it could refer either to the evaluation of progress or to assessment by an independent body to ensure that children’s rights were being observed.
10. **Ms. Jašarević-Kužić** (Serbia) said that independent monitoring was carried out by an advisory body, the Council for the Rights of the Child, which comprised representatives of a number of ministries and independent experts. Independent monitoring was also carried out by the Ombudsman. As for evaluation, she was proud to say that, for the first time, the Ministry for Human and Minority Rights had completed a comprehensive review of the situation in 2009, on the basis of which amendments would be made to the Plan of Action.
11. **Ms. Aidoo** (Country Rapporteur) said that, welcome as the review was, the Committee still needed to know which body consolidated all the relevant information. It was not clear whether that role lay with the Ministry for Human and Minority Rights, the Ministry of Labour and Social Policy or the Council for the Rights of the Child.
12. **The Chairperson** asked how the provisions of the Optional Protocol had been incorporated in the Plan of Action and the Criminal Code.
13. **Mr. Djurašković** (Serbia) said that in Serbia the criteria for trafficking in human beings were broader than those of the United Nations Convention against Transnational Organized Crime (“the Palermo Convention”). In 2001, the Government had set up a monitoring body on trafficking in human beings, which included representatives of Government bodies, NGOs and international organizations, which also dealt with trafficking in children, abuse of minors, trade in children and other issues. That system was working satisfactorily. Workshops had been held, with active participation by NGOs. The monitoring body, which was headed by a coordinator, met every quarter to evaluate all issues relating to trafficking in human beings.
14. In September 2009, the Criminal Code had been amended and it was generally agreed that the country had established a satisfactory legal framework to combat trafficking in human beings, including children. Moreover, in March 2010, it had been decided to appoint a special rapporteur on trafficking in children, as was the case in a number of European Union countries. At ministerial level, a council made up of six ministers received a report on trafficking of children every month.
15. **Mr. Kotrane** said that he was still concerned about the question of a child being forced to do domestic work, for example. The Serbian delegation had said that such forced

labour was prohibited, but according to paragraph 76 of Serbia's initial report, the penalty for such forced labour consisted of a fine, since it seemed to amount to no more than a breach of the Labour Law. Under the Optional Protocol, however, forced labour constituted the sale of children and the appropriate penalty was a prison sentence.

16. **The Chairperson** said that the vast majority of delegations coming before the Committee were unaware of the difference between the sale of children and trafficking in children.

17. **Mr. Djurašković** (Serbia) said that a case of labour exploitation should not be equated with an offence under the Optional Protocol. Where parents forced children to beg, that would be characterized as neglect or abuse of minors. If, however, a family sold a child with a view to that child's exploitation, the offence would become that of trafficking in children or human beings.

18. **Ms. Cerović** (Serbia) said that it was true that those who had drafted Serbia's original legislation had not been aware of the difference between the sale of children and trafficking in children. The fact remained, however, that the provisions of Serbian legislation were broader than those of the Palermo Convention. Serbian law did not insist that an offence had to be transnational, that organized crime must necessarily be involved or that the offence must take place across two or more States. It had therefore been decided to leave the existing law unchanged. Moreover, the Deputy Ombudsman had set up a working group to recommend amendments to the law that would target offences involving prostitution or pornography. Lastly, Serbia had just ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and would act to bring in legislation in line with that Convention.

19. **Ms. Paunović** (Serbia) said that all ministries had budget allocations for programmes on the protection of children's rights. The Ministry of Labour and Social Policy, for example, had set aside 3 million dinars for such programmes. The larger municipal and regional authorities, such as those of Belgrade, Niš and Kragujevac, had their own programmes. A law on social care was currently in preparation, which would enable funds to be transferred to poorer municipalities that lacked funds themselves. Substantial assistance had also been received from donors over the past 10 years.

20. As for data collection, the system had been inadequate, but progress had been made. Data were collected from each ministry and the aim was to set up a central database, which would enable the Government to identify where improvements were needed in the reporting system. Over the past 10 years, surveys of child labour had been carried out, with particular reference to the potential abuse of children in foster families. Children in residential institutions had also been given the opportunity to express their views. It was hoped that funds would shortly be made available to carry out more research projects in order to gain a clearer insight into the issue of child protection.

21. **Mr. Djurašković** (Serbia), noting that his Government lacked the necessary financial resources to combat human trafficking on its own, said that the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) joint programme had covered a large share of the costs of the national plan of action for children. A study of the most vulnerable segments of the population, primarily children, would be carried out under the programme. While his Government had conducted studies on the sexual exploitation of women, it had not yet carried out a study of child abuse and child labour. There was still insufficient awareness in Parliament about the need for establishing separate budget lines to combat human trafficking. Nevertheless, efforts were being made to increase awareness about the issue, including a forthcoming exhibition of children's art on modern slavery to be held in Parliament.

22. **Ms. Aidoo** (Country Rapporteur), noting with appreciation the frank information provided by the delegation on current studies on children and the budgetary constraints that it was experiencing, enquired whether it was working closely with non-governmental organizations on issues relating to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in order to obtain children's views and ensure that research was carried out at the community and family level, where problems often arose.
23. **Ms. Ivanović** (Serbia) said that non-governmental organizations were closely involved in national efforts to promote the rights of children, including a donors conference to promote research and develop the national plan of action, and a recent study on child health covering, among other things, developmental problems of victims of abuse.
24. **Mr. Djurašković** (Serbia) said that three members of the national team to combat human trafficking were from non-governmental organizations. Serbia was recognized in the region as a role model for cooperation between the governmental bodies and NGOs. Some \$1 million had already been collected from the Governments of Belgium and Switzerland and UN.GIFT, which would be used to help to fund NGOs efforts to combat trafficking in persons and children. Two such NGOs ran shelters for victims of trafficking.
25. **Ms. Jašarević-Kužić** (Serbia) said that her Government had concluded some 150 human rights agreements and regularly shared information on the implementation of human rights legislation with NGOs. It had recently entered into an agreement with Save the Children, for example, to build institutional capacity to prevent sexual abuse and other forms of exploitation of children through the Internet. Non-governmental organizations were also closely involved in the drafting of relevant legislation on the rights of children.
26. **Mr. Djurašković** (Serbia) said that even the possession of pornographic material involving children was a criminal offence under current Serbian law. The Government was currently conducting a campaign to suppress such exploitation of children. The Ministry of Internal Affairs and the Department for Organized Crime had a special unit to combat cybercrime, and there were judges who specialized in investigating and trying such cases. More than 20 people had been arrested for exploiting children for pornographic purposes, some of whom had been sentenced to more than 10 years in prison for multiple offences.
27. His Government avoided the use of the term "child pornography" when it referred to pornographic material involving children. Instead, the offence was known as the exploitation of children for pornographic purposes. He argued in favour of changing the name of the Optional Protocol, as children did not voluntarily participate in but were rather victims of pornography.
28. His Government had received financial support from the European Union to help it to monitor all forms of exploitation of children through the Internet. It had no knowledge of websites in Serbia for the purpose of the sexual exploitation of children. However, it had collaborated with the Federal Bureau of Investigation on a study of such sites in the United States.
29. Children were not sufficiently aware of the issue of human trafficking, which they tended to view solely as a matter of selling organs. His Government had therefore provided support to a group on Facebook founded by two 14-year-old children to combat human trafficking. The group currently had some 14,000 members throughout the region. A copy of the Convention and its Optional Protocols was posted on the site. His Government had carried out a campaign to raise awareness about children's rights, including the publication of a calendar explaining modern forms of slavery and the celebration of the World Day for Cultural Diversity for Dialogue and Development and the International Day of Families.

30. **Mr. Kotrane** said that there was no mention of possession of pornographic material in article 185 of the Criminal Code, referred to in paragraph 99 (d) of the State party's report. He would be grateful if the delegation could provide the Committee with a copy of the relevant law that made possession of such material a criminal offence. Clarification was also needed on the punishment for possession of pornographic material featuring children.

31. **Ms. Cerović** (Serbia) said that the possession of such material was punishable under amendments made to article 185 of the Criminal Code in 2009, which brought the Code into line with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

32. **Mr. Djurašković** (Serbia) said that his Government had recently conducted a campaign against the possession of pornographic material involving children and had examined whether material stored on temporary files constituted possession. The Code clearly provided that acquiring such material was a criminal offence.

33. **The Chairperson**, turning to the issue of adoption, said that the sale of children was deemed to have taken place when an intermediary received money for consent to the adoption process. She asked how such acts were punished. She also enquired whether the sale of organs was included in domestic legislation.

34. **Ms. Cerović** (Serbia) said that the Criminal Code covered trafficking in children under 16 for the purpose of adoption. That age limit had previously been 14. Her Government was aware that the age limit should be raised to 18 in accordance with the Optional Protocol.

35. **Mr. Djurašković** (Serbia) said that there had been several deplorable cases of trade in children's organs in South-East Europe. His Government had investigated cases where such trade was suspected. Trafficking in human organs had been a criminal offence since 2003 under domestic law. There was no evidence that such trafficking had occurred in the territory of Serbia, with the exception of the NATO aggression against Kosovo and Metohija, where there were grounds for suspecting such trafficking. The Council of Europe had established a working group to investigate the suspected cases of trafficking in human organs involving Serbian and Albanian minorities allegedly taken to Albania for that purpose.

36. A separate criminal offence had been established for the sale of organs under domestic law, which was a positive development, as one businessman had allegedly tried to sell some of his organs in order to pay his taxes. Nevertheless, no sale had taken place and there had reportedly been no demand for the organs. The Government was working with medical institutions dealing with organ donations to prevent unlawful transplants. Only a limited number of institutions were authorized to perform such operations.

37. **The Chairperson** asked for further clarification on the trafficking in children under 16 for the purpose of adoption. She would also like to know whether there were any obstacles to ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

38. **Ms. Cerović** (Serbia) said that the biggest problem concerning the sale of children involved officials who abused their position to allow adoptions to proceed and thus for the sale of children to take place. For the time being, the law only covered minors up to the age of 16. There were no obstacles to ratifying the Hague Convention facing her Government. Serbia had drafted a relevant bill, which would soon be submitted to Parliament. The law on trafficking in children for the purpose of adoption covered the abduction, transport, sale and concealment of children. Persons who acted as intermediaries in such acts or persons who adopted the children in question were punishable by up to five years' imprisonment. Aggravating factors included the involvement of a habitual offender or organized group.

39. **Mr. Djurašković** (Serbia) said that such acts committed by an organized group constituted human trafficking. If they entailed the use of children for pornographic purposes and other criminal offences against children, the minimum penalty was five years' imprisonment.

40. **Ms. Lee** said she would like more information about services for children who were victims of offences under the Optional Protocol. There were few services provided by the State and NGO services were often provided one project at a time. She also wondered how Roma children who were victims of abuses under the Protocol were treated. She recalled seeing many Roma children on her visit to Belgrade living in horrendous conditions under a bridge. Many of them were unregistered and were the most vulnerable to sale, prostitution and pornography. She asked what had been done to redress the situation.

41. While efforts to reach out to children through media outlets like Facebook could be helpful, they also left children open to invasion of their privacy. There must be a more comprehensive approach on the part of the State party to providing services to victims. Lastly, she asked about the status of the law on DNA registry.

42. **Mr. Kotrane** asked what was being done to protect victims of offences covered by the Protocol from being stigmatized by the media.

43. **Ms. Paunović** (Serbia) acknowledged that most services for victims were provided by the NGO sector. However, current draft legislation promoted a plurality of service providers, which included both the State and NGOs. The problem was that most services provided were not standardized. Sustainable funding of services was yet another problem. Some standards had already been drafted and were being applied in pilot projects in a number of communities. The adoption of the foregoing draft legislation would redress the problem of standards. As her Government had been providing services for more than a decade, it was in a better position to improve and standardize them. It was providing training to social workers in cooperation with the United Nations Children's Fund in reporting cases of child abuse.

44. It was important for the Government to focus on how children were covered in the media. Nevertheless, the media was increasingly sensitive to the need to promote and protect the rights of the child.

45. Roma children no longer lived beneath bridges in Belgrade. Moreover, her Government was doing its utmost to ensure that they were duly registered, covered by social services and enrolled in school.

46. **Mr. Jokić** (Serbia) reported that the health mediators projects launched by the Ministry of Health in 2008 had so far been implemented in around 60 municipalities. The outreach workers appointed under the programme were not health-care professionals; their role was to visit Roma settlements and assist the local population exercise their right to health care and social services and obtaining vital personal documents. So far, approximately 100,000 members of the Roma minority, including around 42,000 children, had benefited. The mediators were specifically mandated to raise awareness of the risk of trafficking, neglect and abuse.

47. **Ms. Mohorović** (Serbia) explained, for clarification, that while the 2002 census set Serbia's Roma population at 250,000, a recent survey suggested a total of almost twice that figure. Recent initiatives to promote the position of the Roma in Serbia had included, at the national level, the creation of the Council for the Improvement of the Position of the Roma in 2008 and, at the regional level, the creation of the Council for the Integration of the Roma in the autonomous province of Vojvodina in 2005. The Republic of Serbia had also acceded to the Decade of Roma Inclusion 2005–2015, a regional programme for the improvement of the position of the Roma in Central and South-Eastern Europe. A national

strategy for improvement had been adopted in 2009, further developing the goals for education, employment, housing and health set out in the Decade Action Plan drawn up in 2005, which had introduced affirmative action to encourage the enrolment of Roma children in secondary schools and universities. In 2007, the Ministry of Education had launched a project to introduce teaching assistants in primary schools to support the integration of Roma children, and had recruited a total of 28 assistants to date. To facilitate implementation, the Ministry was also working to build capacity at the school management level and had trained 16 advisers to monitor the educational situation of Roma children.

48. **Ms. Lee** requested specific information about the mechanisms in place to enable child victims of the offences outlined in the Optional Protocol to come forward and report abuse, and about the response services available to them.

49. **Ms. Ivanović** (Serbia) wished to underline that the Act of 11 September 2009 concerning the basic principles of education and upbringing had facilitated access to education for Roma children, in particular by relaxing the requirement to register a habitual residence when enrolling a child in primary school. Children lacking vital records were subsequently given assistance in obtaining the basic documents essential to enable them to exercise their rights and access services. Those provisions had greatly reduced the invisibility of such children.

50. Replying to Ms. Lee's question, she explained that State-run social work centres providing urgent assistance and care for vulnerable children currently operated around the clock, following the introduction of a new rule book that had extended their previously restricted operating hours. Reception centres and shelters operated and financed for the most part by NGOs were also available at the community level, while additional State-run facilities included a shelter for victims of human trafficking and a residential unit for abused and neglected children.

51. Recognizing that unaccompanied foreign minors were a frequent presence in Serbia, special units catering for their needs had been established within the State-run social work centres. When organizing repatriation, those units worked closely with the embassies of the countries of origin to ensure the child's safe return and reintegration.

52. **Ms. Aidoo** (Country Rapporteur) was pleased that the telephone helpline had become an established service with ongoing budget funding, since it constituted another very important form of assistance for vulnerable children. She wondered, however, whether the current 10-digit number could not be replaced by a shorter, simpler, 3-digit number along the lines of the 116 pan-European helpline numbers. Noting that the helpline was used mainly by children aged between 10 and 15, she would also appreciate additional information on how the authorities guaranteed a prompt and appropriate response for helpline callers.

53. **The Chairperson** asked the delegation to provide information about initiatives to raise cultural awareness of the offences set forth in the Optional Protocol. In particular, she would like to know whether the judiciary was able to adopt a culturally sensitive approach when dealing with offences of that kind. For example, were interpreters and translators with the appropriate cultural sensitivity available, and were shelters specifically equipped to cater for Roma children?

54. **Mr. Kotrane** asked whether professionals in contact with children at risk were required by law to report to the prosecution service any offence under the Optional Protocol of which they became aware. For example, was doctors' duty of confidentiality waived to allow them to denounce cases of neglect or abuse? Noting that Serbia was generally a country of destination for trafficking, he also urged the delegation to provide the information sought regarding repatriation and international police cooperation.

55. **Ms. Ivanović** (Serbia) reported that the telephone helpline had been linked to the European network and work was under way to replace the 10-digit number with a shorter, easier-to-memorize alternative – possibly 123. In responding to helpline callers, the Serbian social services could draw on the expertise of hundreds of health-care and social work professionals, including psychologists with special training in soliciting information from abused children. Where appropriate, the social work centres would contact the relevant authority to initiate criminal proceedings.

56. **Ms. Aidoo** (Country Rapporteur) asked whether the helpline was used primarily by children in Belgrade or was also used by children in the provinces.

57. **Ms. Ivanović** (Serbia) replied that the helpline was used by children in all parts of the country. Its launch had been promoted in various ways, including by distributing leaflets and publicizing the number in schools. The number had initially been provided by the State mobile operator, free of charge, but the Government had since recognized the need to improve service quality and adopt a simpler format. She also wished to stress that there was no discrimination against Roma children and no restrictions on access in any area of social care; all children had the same entitlements irrespective of national affiliation.

58. **Ms. Cerović** (Serbia) said that the legal framework for the protection of child victims in criminal proceedings was quite well developed in Serbia. Pursuant to a specific law regulating the protection of juvenile offenders and underage victims adopted several years ago, all parties in cases involving child victims were required to adhere to strict procedures to prevent revictimization. Special training was provided not only to judges, but also to police officers, prosecutors and lawyers. In all cases, the children's age, character and life circumstances were carefully considered to prevent adverse effects on their well-being, and the presence of a psychologist or other appropriate expert was required at all times. Children could be heard not only in court but also at home or in another institution, without the presence of other parties, in which case the questions were channelled through the judge. As a general rule, proceedings could be repeated only once — only in very exceptional circumstances, where absolutely necessary to the proceedings, was a further hearing permitted — and the Government intended to introduce dedicated units with specially trained personnel in the higher and appeal courts.

59. Breaches of confidentiality in criminal proceedings were an offence under the Criminal Code; any person who revealed a child's identity or any other detail of a case faced a sentence of up to two years' imprisonment. That provision served as a deterrent for media abuse, which was likewise punishable under the Code.

60. With regard to the possibility of reporting professionals working with children who were suspected of exploitation or abuse, she explained that a general protocol for the protection of children had been adopted to establish effective multisectoral cooperation in that area. Under that protocol, any person in professional contact with children who noted abuse, neglect or exploitation was required to report it to the pertinent authority. Sector-specific protocols setting out the notification procedures necessary to ensure early identification of children at risk had also been adopted for the social services, police force, judiciary, health service and educational system.

61. Lastly, she wished to clarify that extradition was always possible in criminal proceedings even when no bilateral agreement was in place. A specific law on international legal aid in criminal matters had been adopted in 2009 and was implemented in all such cases. However, there was a series of prerequisites for the provision of such international aid, foremost among them the requirement for reciprocity.

62. **Mr. Kotrane** said that the Committee was aware that Serbia granted extradition requests subject to the reservation of reciprocity mentioned in paragraph 131 of its report. However, the Optional Protocol encouraged States parties to grant extradition requests

wherever possible, even when no bilateral or reciprocal arrangement was in place. Since, once ratified, the Protocol was a binding legal instrument, States parties should endeavour to accept extradition requests in a positive spirit.

63. **Ms. Cerović** explained that it was possible to exercise extradition based on the Protocol itself, although the majority of extraditions recently concluded fell within the scope of bilateral agreements that covered all serious offences.

64. **Ms. Jašarević-Kužić** (Serbia) wished to add that the law regulating the treatment of underage victims and offenders stipulated that only police officers, prosecutors and lawyers with special training were permitted to intervene in procedures involving minors. He could also confirm that the status and functions of provincial ombudsmen were clearly defined and regulated by law, like those of the national ombudsman; thus they were not mere figureheads. Both national and provincial ombudsmen had deputies, one of whom was always specifically mandated to oversee protection of the rights of the child.

65. **Ms. Šošić** (Serbia), referring to Serbia's participation in initiatives at the international level, reiterated that Serbia had signed the Declaration of the Decade of the Roma 2005–2015 in Sofia and had formally launched a national Decade Action Plan to narrow the gap between the Roma and other population groups. The Republic of Serbia had held the Decade Presidency from mid-2008 to mid-2009 – the first non-EU member State to take that role. During its Presidency, Serbia had elected to turn the spotlight on housing and education and had hosted two international conferences in Belgrade on those themes, the first in November 2008 and the second in June 2009.

66. Historically, Serbia had been a pioneer in the promotion of Roma culture, publishing the first Roma journal in 1936, and broadcasting the first television entertainment show in the Roma language in 1986. An International Department for Roma Studies had been established at the University of Peace in Belgrade in March 2009, and the first Museum of Roma Culture in South-East Europe had been opened in Belgrade later in that year.

67. **Mr. Djurašković** (Serbia), returning to the issue of child protection in criminal proceedings, said that, pursuant to the general protocol for child protection, police officers were given special instruction in how to treat underage victims and offenders. Any officer receiving information of any form of child exploitation, including trafficking, was required to notify the relevant services without delay so that appropriate action could be taken. That action might entail taking the child concerned into immediate care.

68. With regard to cooperation with Roma organizations, the Ministry of Internal Affairs and the police had assisted with the training of public advocates to represent Roma at the local level. The aim of that initiative, to which representatives of all Roma organizations had been invited to contribute, was to highlight the threat of trafficking and other forms of exploitation. Roma organizations had also participated in preventive activities relating to trafficking organized within the framework of the 2007 campaign to eradicate modern slavery.

69. The national action plan to combat trafficking recognized the need for greater proactivity in raising media awareness of the risk of victim stigmatization. To that end, a dedicated media liaison team had been established and, so far, three training courses had been organized by the NGO sector for reporters assigned to trafficking cases. An updated edition of the manual on trafficking in human beings for journalists had also been published.

70. While Serbia was hosting the 2009 University Olympic Games, the Ministry of Internal Affairs, in consultation with 12 large media companies, had organized meetings to explain the main issues surrounding trafficking, and all media companies had agreed to broadcast TV spots highlighting the issues, without remuneration. On the invitation of the

Council of Europe, Serbia had also conducted a campaign against the sexual exploitation of women during the 2008 European Football Championships in Germany. The Ministry did not intend to conduct any similar campaign during the Football World Cup in South Africa, since the distance involved limited the relevance. However, if the need arose, it was ready to provide support and assistance, specifically in campaigns to combat labour exploitation.

71. The Ministry of Internal Affairs fully recognized and accepted the dangers inherent in Facebook usage, given its enormous popularity with children, although it considered the technology to be largely beyond the reach of most vulnerable children. Studies to define children's expectations and needs and develop a pertinent strategy had nonetheless been conducted, with support from the United Nations and NGOs, and the resultant reports were available for consultation by the Committee. With regard to the use of DNA databases in trafficking cases, although some DNA data was available, the law regulating its use had not yet been enacted.

72. Lastly, she stressed that missing children and the sexual exploitation of children were not a problem in Serbia. In recent years, 98 per cent of cases of missing children reported had been brought to a satisfactory conclusion.

73. **Ms. Ivanović** (Serbia) wished to point out that there was a specific law regulating the role of the media in reporting on offences involving children. It was recognized that the media had on past occasions been guilty of secondary victimization, causing considerable damage to the children concerned. Training had thus been organized to enhance the media's ability to ensure appropriate coverage of such issues.

74. **The Chairperson** asked whether there was a code of ethics for the media in Serbia with regard to the rights of children.

75. **Ms. Ivanović** (Serbia) said that there was a code of ethics that covered how the media should report on children and that the two independent journalists' associations in Serbia had recognized that code and were already implementing it in their daily practice.

76. Any civil servant who was aware of a criminal offence already committed or of plans to commit a criminal offence was required to report it. Harsher sentences had recently been introduced for failure to report human trafficking, and the scope of the law had been broadened to include any person who was aware of a case of human trafficking but failed to report it. Cases were to be reported to the Ministry of the Interior either by phone or in person.

77. **Mr. Kotrane** wished to know specifically whether doctors in private practice who treated abused children were required by law to report that abuse to the authorities, given that doctors were subject to professional confidentiality.

78. **Mr. Jokić** (Serbia) said that in accordance with the Special Protocol on Protection of Children from Abuse and Neglect, it was the duty of every health-care professional in both State-run and private health institutions to report a criminal offence. A separate protocol also stated that a doctor must report abuse to the competent physicians' association to which he or she belonged. If there was a threat of further abuse if the child returned home, then he or she must be kept at the health institution until the competent authorities could take custody of the child.

79. **The Chairperson** asked what measures were in place to ensure that children's voices were heard and that they were aware of their own rights and of how to prevent abuse.

80. **Ms. Paunović** (Serbia) said that the standards for services provided by social work centres were laid out in the family law and included regulations on children's participation in the proceedings. Those centres created the necessary environment for the child to feel

safe and provide testimony. The personnel at the centres included psychologists, who were also involved in court proceedings in cases involving children.

81. **Mr. Jokić** (Serbia) said that, within the health-care system, the emphasis was placed on preventing abuse. There were counselling services in place for various groups, including young people and pregnant women, and those services carried out programmes for the prevention and early detection of abuse.

82. **The Chairperson** asked how the health sector worked with youth and adolescents specifically.

83. **Mr. Jokić** (Serbia) said that the authorities were working to improve communication between parents, child and health-care professionals. Whenever suspicions of abuse arose, health-care professionals would diagnose the problem and alert the relevant authorities, while of course providing care for the child.

84. **Mr. Citarella** asked how adolescents, and particularly foreign adolescents, were protected from prostitution.

85. **Ms. Aidoo** (Country Rapporteur), noting that the vast majority of child victims of sexual exploitation were female, wondered whether the social and health services provided to victims and their families were gender-sensitive.

86. **Ms. Cerović** (Serbia) said that both underage perpetrators and victims were protected by law. All parties involved in the treatment of a child must be certified to work with children and must undergo training on the rights of the child. Great care was taken whenever possible to avoid revictimization and face-to-face encounters between victims and perpetrators.

87. **Ms. Jašarević-Kužić** (Serbia) added that a team of experts, including psychologists and sociologists, was on hand during all stages of proceedings involving a child, and that a child's statement could be read in absentia in court proceedings as an additional protective measure.

88. **The Chairperson** wondered whether compensation was provided to victims of human trafficking.

89. **Mr. Djurašković** (Serbia) said that, pursuant to the Code of Criminal Procedure, the court could make a ruling on compensation claims from victims, but in practice that was not done. Serbia was, however, considering amending its law so that the criminal court would be required to rule on compensation for victims in cases of human trafficking. There were also plans to grant victims a certain percentage of proceeds from valuables seized from criminals.

90. With regard to children's participation in the drafting of strategic documents, the National Team for Combating Human Trafficking included representatives from nine NGOs, some of whom worked directly with children and conveyed those children's views to the rest of the team when drafting recommendations on a national strategy for the prevention and protection of children from exploitation through trafficking, pornography and prostitution.

91. In larger schools, policemen talked directly to the students and carried out numerous prevention activities. The police were available to answer questions from the students, which was another form of participation by children. Films and other media were also used to inform children about human trafficking. It should be pointed out that 70 per cent of human trafficking victims had previously been subjected to domestic violence, which indicated that early warning measures were needed.

92. The issue of human trafficking for prostitution was connected to the issue of illegal immigration. In 2005 the Ministry of Internal Affairs had issued instructions to approve residence permits for humanitarian reasons for victims of human trafficking, and the first person to be granted such a permit had been an underage Iraqi girl.

93. **Mr. Citarella** asked whether there were any special programmes or laws to rescue adolescents from prostitution.

94. **The Chairperson** noted that Serbia had signed but not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and asked whether the Government planned to ratify that Convention.

95. **Ms. Jašarević-Kužić** (Serbia) clarified that it was up to victims to initiate a procedure to request compensation. In the past there had been a tendency to delegate that task to civil courts, but efforts were currently being made to ensure that it was handled as part of criminal court proceedings.

96. **Ms. Paunović** (Serbia) said that there was no specific programme for adolescent victims of prostitution, but that social work centres provided general support to all victims. Once the new bill on social services was adopted, then that support would be expanded.

97. **Mr. Djurašković** (Serbia) said that all cases of child prostitution were treated as human trafficking cases. A project was currently under way to offer training to human trafficking victims in language and computer skills and other subjects, and there were plans to expand that programme in the future.

98. **Ms. Aidoo** (Country Rapporteur) understood from the delegation's explanations that the term "human trafficking" as used in Serbian law did in fact cover child prostitution as defined in article 2 (b) of the Optional Protocol. She suggested that the Government might wish to reflect that in its future reports to avoid confusion.

99. **Ms. Jašarević-Kužić** (Serbia) said that the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was still under consideration. The Government was currently concentrating on reforms to align its political, economic and social structures with European standards and aimed to give special attention to children from the most vulnerable groups of society.

100. **Ms. Aidoo** (Country Rapporteur) said that Serbia had clearly made significant progress in supporting child victims over the last two years. The remaining challenge was to implement the framework that was now in place to ensure concrete results for children in the foreseeable future. Above all, it was important to inform children and their families and communities about what the Government was doing to support them.

The meeting rose at 5.50 p.m.