



**Convention on the  
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

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**WRITTEN REPLIES BY THE GOVERNMENT OF SERBIA  
TO THE LIST OF ISSUES (CRC/C/SRB/Q/1) PREPARED  
BY THE COMMITTEE ON THE RIGHTS OF THE CHILD  
IN CONNECTION WITH THE CONSIDERATION OF THE  
INITIAL REPORT OF SERBIA (CRC/C/SRB/1)**

[Received on 21 May 2008]

**RESPONSES TO THE QUESTIONS RAISED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD RELATED TO THE EXAMINATION OF THE INITIAL REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD FOR THE PERIOD 1992-2005**

**PART I**

**A. Data and statistics, if available**

**Question 1.** *Disaggregated data should be provided (according to sex, age, ethnic affiliation, as well as whether they come from urban or rural environments) on the number of children living in the State for 2005, 2006 and 2007.*

1. According to the latest 2002 census, the share of the age group of up to 19 years per sex in the total population of the Republic of Serbia was as follows (that was not carried out in the area of Kosovo and Metohija, which has been under the United Nations administration since 1999 pursuant to Security Council resolution 1244).

Population	No.	Share	Male	%	Female	%
Total	7 498 001	100	3 645 930	48.63	3 852 071	51.37
0-19	1 672 421	22.30	857 616	51.28	814 805	48.72

2. According to the 2002 census, the composition of the age group of up to 19 years by gender and national affiliation was as follows:

National affiliation	Total	Male	%	Female	%
Total under 19	1 672 421	857 616	51.28	814 805	48.72
The Serbs	1 358 514	696 556	51.27	661 958	48.73
The Montenegrins	14 113	7 691	54.50	6 422	45.50
The Yugoslavs	17 869	9 058	50.69	8 811	49.31
The Albanians	24 460	12 729	52.04	11 731	47.96
The Bosniacs	47 430	24 446	51.54	22 984	48.46
The Hungarians	55 416	28 382	51.22	27 034	48.78
The Muslims	4 966	2 582	51.99	2 384	48.01
The Bulgarians	2 825	1 458	51.61	1 367	48.39
The Bunjevci	3 002	1 560	51.97	1 442	48.03
The Vlachs	6 723	3 519	52.34	3 204	47.66
The Goranci	1 374	709	51.60	665	48.40
The Greeks	65	36	55.38	29	44.62
The Egyptians	339	195	57.52	144	42.48
The Jews	126	61	48.41	65	51.59
The Macedonians	2 893	1 564	54.06	1 329	45.94
The Germans	405	204	50.37	201	49.63
The Roma	44 504	22 584	50.75	21 920	49.25
The Romanians	6 878	3 557	51.72	3 321	48.28
The Russians	220	116	52.73	104	47.23
The Ruthenians	3 055	1 592	52.11	1 463	47.89
The Slovaks	11 591	5 888	50.80	5 703	49.20
The Slovenians	406	206	50.74	200	49.26
The Turks	110	65	59.09	45	40.91
The Ukrainians	949	465	49.00	484	51.00
The Croats	9 392	4 777	50.86	4 615	49.14
The Czechs	304	167	54.93	137	45.07
The Shokci	51	25	49.02	26	50.98
The Ashkali	233	121	51.93	112	48.07
The Aromanians	37	12	32.43	25	67.57

3. According to the 2002 census, the composition of the population in respect of age group per national affiliation was as follows:

National affiliation	Total	%	Preschool age children (under 7)	%	Obligatory school age (7-14)	%
	7 498 001	100	495 327	6.61	681 443	9.09
The Serbs	6 212 838	100	395 758	6.37	554 113	8.92
The Montenegrins	69 049	100	3 710	5.37	5 803	8.40
The Yugoslavs	80 721	100	4 886	6.05	7 438	9.21
The Albanians	61 647	100	8 408	13.64	10 440	16.94
The Bosniacs	136 087	100	15 396	11.31	19 267	14.16
The Hungarians	293 299	100	16 171	5.51	22 584	7.70
The Muslims	19 503	100	1 432	7.34	1 992	10.21
The Bulgarians	20 497	100	799	3.90	1 212	5.91
The Bunjevci	20 012	100	825	4.12	1 177	5.88
The Vlachs	40 054	100	2 092	5.22	2 903	7.25
The Goranci	4 581	100	461	10.06	544	11.88
The Greeks	572	100	26	4.55	16	2.80
The Egyptians	814	100	117	14.37	147	18.06
The Jews	1 158	100	19	1.64	43	3.71
The Macedonians	25 847	100	684	2.65	1 198	4.63
The Germans	3 901	100	88	2.26	183	4.69
The Roma	108 193	100	17 120	15.82	17 285	15.98
The Romanians	34 576	100	2 163	6.26	2 826	8.17
The Russians	2 588	100	57	2.20	98	3.79
The Ruthenians	15 905	100	857	5.39	1 269	7.98
The Slovaks	59 021	100	3 496	5.92	4 631	7.85
The Slovenians	5 104	100	104	2.04	147	2.88
The Turks	522	100	37	7.09	39	7.47
The Ukrainians	5 354	100	261	4.87	408	7.62
The Croats	70 602	100	2 372	3.36	3 990	5.65
The Czechs	2 211	100	88	3.98	129	5.83
The Shokci	717	100	10	1.39	24	3.35
The Ashkali	584	100	86	14.73	71	12.16
The Aromanians	293	100	15	5.12	13	4.44

4. According to estimates of the Republic Statistical Institute, on 30 June 2006, the population of the Republic of Serbia was 7,411,569, of which, 1,172,486 were children of up to 14 years of age (601,324 boys and 571,162 girls), and 1,541,389 (790,448 boys and 750,941 girls) were minors up to 18 years of age. Of the children of up to 14 years of age, 663,856 (341,142 boys and 322,714 girls) lived in urban areas and 508,630 children lived in rural areas, while 874,374 minors of up to 18 years of age lived in urban areas (448,572 boys and 425,802 girls), and 667,015 minors lived in rural areas. The table below shows an estimation for the year 2006.

**Population by sex and age at the beginning, in the middle  
and at the end of 2006 - territory, age, date and sex**

The Republic of Serbia	Average		
	Total	Male	Female
Total	7 411 569	3 603 698	3 807 871
0	71 088	36 576	34 512
1	74 841	38 517	36 324
2	78 364	40 397	37 967
3	78 486	40 413	38 073
4	76 979	39 457	37 522
5	73 303	37 430	35 873
6	70 333	36 022	34 311
7	70 895	36 284	34 611
8	73 343	37 455	35 888
9	76 374	39 186	37 188
10	80 168	41 282	38 886
11	82 013	42 213	39 800
12	82 588	42 438	40 150
13	83 532	42 782	40 750
14	85 306	43 513	41 793
15	86 946	44 454	42 492
16	87 431	44 691	42 740
17	90 950	46 652	44 298
18	94 937	48 817	46 120

5. The data for the year 2005 are given in the table below.

**Population by sex, age and type of settlements in 2005 - territory,  
age, sex and type of settlements**

The Republic of Serbia	Total		Male		Female	
	Urban	Other	Urban	Other	Urban	Other
Total	4 257 878	3 182 891	2 033 178	1 584 862	2 224 700	1 598 029
0	47 231	27 571	24 303	14 199	22 928	13 372
1	47 927	30 402	24 711	15 673	23 216	14 729
2	47 850	30 599	24 637	15 749	23 213	14 850
3	44 489	32 451	22 876	16 558	21 613	15 893
4	39 856	33 411	20 527	16 875	19 329	16 536
5	38 221	32 066	19 684	16 313	18 537	15 753
6	38 527	32 286	19 769	16 475	18 758	15 811
7	39 895	33 387	20 381	17 046	19 514	16 341
8	41 667	34 610	21 476	17 670	20 191	16 940
9	44 063	35 998	22 825	18 411	21 238	17 587
10	45 365	36 570	23 366	18 810	21 999	17 760
11	45 880	36 621	23 525	18 855	22 355	17 766
12	46 558	36 900	23 807	18 932	22 751	17 968
13	47 619	37 610	24 374	19 102	23 245	18 508
14	48 708	38 148	24 881	19 514	23 827	18 634
15	49 195	38 164	25 016	19 647	24 179	18 517
16	51 479	39 330	26 291	20 267	25 188	19 063
17	54 292	40 425	27 797	20 933	26 495	19 492
18	55 552	40 466	28 326	20 847	27 226	19 619

**Question 2.** *In accordance with article 4 of the Convention, classified data on the budget allocations should be provided for 2006, 2007 and 2008 (expressed in figures and percentages in relation to the national budget or gross domestic product) for the implementation of the Convention, in relation to the following items:*

*(a) Education (including preschool, preliminary and secondary education);*

6. While there are data on the total public expenditures as well as on the budgetary expenditures in the field of education, no precise data are available related to the budgetary allocations for the implementation of the Convention specifically with respect to preschool, preliminary and secondary education.

7. The public expenditures in the field of education include total public consumption in the field of education, for all expenditures and at all levels of consumption. For the reasons of special monitoring methodology, statistical data on the public consumption in the field of education are only available for 2006 and are shown in the table below.

8. The 2006 Budget of the Republic of Serbia consisted of: (a) income of RSD 521,269,000,000; (b) expenditures of RSD 505,820,602,000 (RSD 446,532,581,000 for regular financing of the activities of the consumers of the budgetary funds and RSD 33,031,890,000 for the implementation of the National Investment Plan); and (c) budgetary surplus of RSD 15,448,398,000. Of these funds, RSD 78,435,201,000 were allocated to the Ministry of Education and Sports of the Republic of Serbia, RSD 35,103,659,000 for primary education, and RSD 17,613,026,000 for secondary education, while RSD 2,440,633,000 were allocated for the students' standard. RSD 139,903,000 was allocated in 2006, for the requirements of the Institute for Improvement of Education and Upbringing of the Republic of Serbia, and RSD 63,622,000 for the Institute for Evaluation of Education and Upbringing Quality.

9. The Law on the Budget of the Republic of Serbia for 2007, which was adopted on 23 June 2007, specified that the budgetary income and expenditures of the Republic of Serbia consisted of:

**Budgetary income and expenditures of the Republic of Serbia**

	Amount in dinars
Budget incomes	581 841 505 769
Budget expenditures	595 517 786 100
Budget surplus/deficit	-13 676 280 331

10. The same law also stipulated that the Ministry of Education (which has no longer been competent for sports since that year) had a total budget of RSD 58,419,573,000, of which RSD 28,813,363,000 were specified for primary education, RSD 13,197,679,000 for secondary education, while RSD 1,424,523,000 were specified for the students' standard. The 2007 Budget allocated RSD 100,874,000 to the Institute for Improvement of Education and Upbringing of the Republic of Serbia and RSD 34,051,000 to the Institute for Evaluation of Education and Upbringing Quality.

**Expenditures in the field of education in 2006**  
**(in thousands of dinars)**

	Expenditures								
	Total	Gross income	Contributions	Taxes	Operating expenditures	Interest receivable	Depreciation	Other expenditures	Accumulation or residue
<b>EDUCATION</b>	74 530 503	53 015 497	20 640	213 922	16 116 080	85 784	640 557	4 438 023	1 200 115
<b>Primary education</b>	<b>31 398 755</b>	<b>25 297 178</b>	<b>52</b>	<b>52 087</b>	<b>4 743 201</b>	<b>2 498</b>	<b>36 325</b>	<b>1 267 414</b>	<b>318 898</b>
General type	28 845 185	23 312 306	-	50 906	4 261 362	1 975	34 934	1 183 702	289 645
Special education	1 430 302	1 115 506	-	874	266 174	437	502	46 809	9 772
Special type	900 549	710 459	-	226	156 019	-	444	33 401	19 042
Preschool education	222 719	158 907	52	81	59 646	86	445	3 502	439
<b>Secondary education</b>	<b>17 004 702</b>	<b>13 089 539</b>	<b>163</b>	<b>29 929</b>	<b>2 671 357</b>	<b>2 664</b>	<b>29 393</b>	<b>1 181 657</b>	<b>40 460</b>
General education	3 842 866	2 994 701	5	18 799	602 537	1 303	6 716	218 805	43 495
Technical education	13 161 836	10 094 838	158	11 130	2 068 820	1 361	22 677	962 852	-3 035
<b>Higher and university education</b>	<b>20 099 364</b>	<b>11 623 721</b>	<b>2 512</b>	<b>78 877</b>	<b>6 849 385</b>	<b>30 796</b>	<b>385 711</b>	<b>1 128 362</b>	<b>805 431</b>
<i>Higher education</i>	<i>2 575 041</i>	<i>1 636 812</i>	<i>19</i>	<i>9 583</i>	<i>710 595</i>	<i>278</i>	<i>67 875</i>	<i>149 879</i>	<i>151 356</i>
Economical and administrative schools	491 478	328 422	-	4 449	113 589	-	27 245	17 773	71 989
Technical schools	1 040 759	699 346	19	3 782	278 118	225	19 675	39 594	23 440
Medical schools	255 977	138 882	-	39	71 009	-	6 470	39 577	-16 395
Agricultural and forestry schools	47 870	40 071	-	414	4 036	45	131	3 173	1 788
Pedagogical schools	153 293	113 360	-	126	35 086	-	2 856	1 865	-2 341
Art schools	26 472	22 866	-	14	3 390	-	202	-	-420
Other higher schools	559 192	293 865	-	759	205 367	8	11 296	47 897	7 329
<i>University education</i>	<i>17 524 323</i>	<i>9 986 909</i>	<i>2 493</i>	<i>69 294</i>	<i>6 138 790</i>	<i>30 518</i>	<i>317 836</i>	<i>978 483</i>	<i>654 075</i>
Natural science-mathematic faculties	1 457 553	856 440	-	9 140	499 731	959	20 913	70 370	-22 894
Technical faculties	4 961 242	2 589 748	-	9 582	1 959 741	1 279	108 084	292 808	209 410
Agricultural, veterinary and forestry faculties	1 485 348	719 005	-	2 828	657 707	607	21 456	83 745	7 666
Medical faculties	2 271 783	1 548 907	-	2 565	572 175	631	47 630	99 875	68 859
Social science faculties	5 176 545	2 953 466	2 235	25 938	1 745 782	25 087	90 422	333 615	290 471
Art faculties and academies	932 600	686 280	-	1 753	214 072	1 167	14 267	15 061	3 927
Other universities	1 239 252	633 063	258	17 488	489 582	788	15 064	83 009	96 636
<b>Adult education and other education</b>	<b>6 027 682</b>	<b>3 005 059</b>	<b>17 913</b>	<b>53 029</b>	<b>1 852 137</b>	<b>49 826</b>	<b>189 128</b>	<b>860 590</b>	<b>35 326</b>
Driver schools activities	1 768 546	469 987	11 885	23 015	729 631	19 055	92 580	422 393	-6 935
Adult education and other education, not mentioned	4 259 136	2 535 072	6 028	30 014	1 122 506	30 771	96 548	438 197	42 261

11. The Law on the Budget of the Republic of Serbia for 2008 specified that the budgetary income and expenditures of the Republic of Serbia consisted of:

- Budgetary income RSD 639,600,289,635
- Budgetary expenditures RSD 654,429,163,862
- Budgetary surplus/deficit RSD -14,828,874,227

12. This law allocated RSD 131,289,440,000 in total to the Ministry of Education, out of which RSD 1,103,006,000 for the improvement and supervision of the education system, RSD 1,970,234,000 for preparatory preschool curriculum, RSD 59,538,874,000 for primary education, RSD 28,696,426,000 for secondary education, RSD 29,364,616,000 for university education, RSD 10,316,284,000 for auxiliary educational services and RSD 300,000,000 for the National Investment Plan.

13. The budgetary financing of education is not limited to the funds allocated to the Ministry of Education. For example, the Ministry of Religions provides scholarships for the pupils of secondary religious schools covering half of the hostel costs, as follows: for seminaries of the Serbian Orthodox Church; two madrasas of the Islamic Community and one classic bishop grammar school of the Roman-Catholic Church. RSD 33,975,000 were allocated to students at boarding schools in 2006 and 2007. In the course of the first three months of 2008, a total amount of RSD 11,250,000 was paid as assistance to pupils of secondary religious schools.

14. Since the secondary religious schools have not yet been included in the State schooling system, the Ministry of Religions has been providing these scholarships since 2004 in order to enable the pupils of secondary religious schools to be at an equal standing with the pupils in the State schools, where boarding expenses are half due to co-financing from a foreign country.

15. The Ministry of Religions also provides donations to cover the salaries and contributions of the employees at secondary religious schools in the annual amount of RSD 39,915,000.

16. Since 1945, when these schools were expelled from the State educational system they have come under the explicit competence of churches and religious communities. This had many negative consequences (such as decrease of the required number of teachers and of the coverage of general-educational subjects, poor equipment in classrooms, cabinets and libraries) arising from their poor financial conditions (...), which are now being addressed, in order to help the secondary religious schools achieve the required standards for their reintegration into the State educational system.

*(b) Health care (including primary health care, immunization programmes, health of adolescents, HIV/AIDS programmes and other health-care services for children);*

#### **1. Data on compulsory immunization in the Republic of Serbia**

17. Pursuant to the Law on Protection of Population against Contagious Diseases (The Official Bulletin of RS, No. 125/04) and the Book of Rules on Immunization and Method of Protection

by Medicaments, it is a legal obligation to vaccinate all children at birth against tuberculosis (BCG), and at the age of 1 year against diphtheria, tetanus and pertussis (DTaP), polio (OPV), hepatitis B (HepB) and Haemophilus Influenza of type B (Hib). At the age of 2 it is compulsory to vaccinate children against smallpox, mumps and rubella (MMR), as well as revaccination against diphtheria, tetanus and pertussis (DTaP), polio (OPV). At the age of 7, it is obligatory to revaccinate children against smallpox, mumps and rubella (MMR), as well as revaccination against diphtheria, tetanus and pertussis (DTaP), polio (OPV). At the age of 12, it is compulsory to revaccinate children against smallpox, mumps and rubella (MMR) and hepatitis B (HepB). At the age of 14 it is an obligation to revaccinate children against diphtheria, tetanus and pertussis (DTaP) and polio (OPV).

**The results of immunization implemented  
in the Republic of Serbia in 2006<sup>1</sup>**

Age of vaccinated children and type of vaccination	No. of vaccinated children	Scope (in percents)
At birth		
BCG	68 935	98.85
At age of 1		
DTaP	66 107	96.8
OPV	66 454	97.2
HepB	67 371	92.1
Hib	50 797	74.3
At age of 2		
MMR	68 808	95.9
DTaP	67 186	96.2
OPV	67 582	96.4
At age of 7		
MMR	64 821	94.3
DT	67 236	98.4
OPV	67 327	98.2
At age of 12		
MMR	82 047	95.0
HepB	45 213	56.9
At age of 14		
DT	81 648	98.1
OPV	81 483	97.9

<sup>1</sup> Source: The 2006 Health Statistical Year Book; Dr. Milan Jovanović-Batut Institute of Public Health of Serbia.

18. Due to reporting methods and data collection on the vaccinated children, data on the number of children covered by immunization in 2007 are expected in the second half of this year, and the same results for 2008 shall be available in the first half of 2009.

19. There are two sources of financing for compulsory immunization in the Republic of Serbia, namely: the budget of the Ministry of Health (which covers the preparation and the control of implementation of the Immunization Plan) and the budget of the Republic Institute of Health Insurance (which covers the funds necessary to purchase vaccines and the activities of medical personnel conducting the vaccination of the children).

**Financing of compulsory immunization in the Republic of Serbia<sup>2</sup>**

Source of financing	2006 (RSD)	2007 (RSD)	2008 (RSD)
Budget of the Ministry of Health	14 856 110.00	16 539 086.00	28 000 424.00
Budget of the Republic Institute of Health Insurance	359 669 000.00	313 100 000.00	305 186 000.00
Total	374 525 110.00	329 639 086.00	333 186 424.00

**2. The system of financing health care for the children in the Republic of Serbia**

20. The two sources of financing of health care for children in the Republic of Serbia are the budgets of the Ministry of Health and of the Republic Institute of Health Insurance. The Ministry of Health covers the costs of the preparation of the health-care programmes and plans for the children, and the implementation of these programmes and health care for the children at all levels is financed by the Republic Institute of Health Insurance by meeting the costs of the salaries of medical personnel, pecuniary expenses of the institutions, procurement of medical supplies as well as by paying the costs of prescribed medication for children.

**Expenses of health care for children at all levels of health care on the account of the Republic Institute of Health Insurance (excluding immunization costs) - 2007<sup>3</sup>**

Level of health protection	Amount of funds in RSD
Primary health care	13 556 433 000.00
Secondary health care	13 980 759 000.00
Physical medicine and rehabilitation	408 847 000.00
Social care institutions for children	79 759 000.00
Total	28 085 798 000.00

<sup>2</sup> *Source:* The Ministry of Health and the Republic Institute of Health Insurance.

<sup>3</sup> *Source:* The Ministry of Health and the Republic Institute of Health Insurance.

**Expenses of health care for children at all levels of health care  
on the account of the Republic Institute of Health Insurance  
(excluding immunization costs) - Plan for 2008<sup>4</sup>**

Level of health protection	Amount of funds in RSD
Primary health care	14 324 000 000.00
Secondary health care	15 202 000 000.00
Physical medicine and rehabilitation	440 194 000.00
Social care institutions for children	132 000 000.00
Total	30 078 194 000.00

21. In the total expenses of the Republic Institute for Health Insurance, in 2007 and 2008, 22 per cent has been allocated to health care based on the percentage of children in the total of the population. According to the data of the Republic Statistical Institute, the share of children in the total population amounted to 20.92 per cent. The data for 2006 are not available for this method of calculation. Contracting with the medical institutions was adopted in 2007.

**Expenses of health care for children on the account of the Ministry of Health  
(excluding immunization costs) - Plan for 2008<sup>5</sup>**

Health-care programme	Amount of funds in RSD
Preparation of health-care programmes for children and women in respect of maternity	5 000 000.00
Total	5 000 000.00

22. The preparation of the budget of the Ministry of Health at the programme level was initiated in 2007. Until then the line budget had been operational and it is not possible to specify the expenses allocated from the funds of the Ministry of Health in 2006 and 2007 for the programmes concerning health care for children.

**3. Capacity in beds available for short-term hospitalization used at the institutions for health care for the children in the Republic of Serbia**

**Beds available for short-term hospitalization used at the institutions  
for health care for children in the Republic of Serbia in 2006<sup>6</sup>**

Activity	No. of beds
Paediatrics	1 676
Children's surgery	590
Total	2 266

<sup>4</sup> Source: The Ministry of Health and the Republic Institute of Health Insurance.

<sup>5</sup> Source: The Ministry of Health.

<sup>6</sup> Source: Dr. Milan Jovanović-Batut Institute of Public Health of Serbia. The Ministry of Health; hospital beds according to the Decree on the Medical Institutions Network Plan (The Official Bulletin of RS, No. 42/06).

23. The total number of beds for short-term hospitalization at all hospital institutions in the Republic of Serbia at the secondary and the tertiary levels amounted to 27,792 beds in 2006 out of which 2,266 are used at the health-care institutions for children at the departments of paediatrics and children's surgery. This number of beds intended for children amounts to 8.2 per cent of the total number of beds intended for short-term hospitalization in the Republic of Serbia in 2006.

24. Several strategies have been adopted in the field of medical services, which deal directly or indirectly with the health of children. These are:

- *The Development and Health Strategy for the Young* - In November 2006, the Government of the Republic of Serbia adopted the Development and Health Strategy for the Young which defines objectives, activities and expected results in the improvement of health of the young, including the training of the young to take care of their own health, as well as the improvement of the quality, efficiency and availability of health care, and the design of new approaches to achieve better health of the young.
- *The National Strategy for the Combat against HIV/AIDS* - In February 2005, the Government of the Republic of Serbia adopted the National Strategy for the Combat against HIV/AIDS. This strategy is multisectoral; its field of activities extend to other aspects important in the combat against this disease (social protection, education, jurisdiction, etc.) in addition to health care.

**(c) Programmes and services intended for the children separated from their parents and placed at special institutions or with foster families;**

25. The table below contains data on programmes and services intended for the children separated from their parents and placed at special institutions or with foster families.

**Review of data on budget allocations from the budget of the Ministry of Labour and Social Policy for the programmes and agencies intended for children separated from their parents and placed at special institutions and with foster families**

Sr. No.	Description	Year		2008 Payments in two months only	Total in RSD
		2006	2007		
1	Total transfers at homes for children without parental custody	619 149 000	719 307 000	114 302 527	1 452 758 527
2	Transfers for the institutions for placement of disabled children and the young and a home for children suffering from autism	269 658 500	281 689 821	45 235 215	596 583 536
3	Family placement - total	669 930 351	967 836 329	201 549 029	1 839 315 709
	(a) Compensation for foster	210 223 913	319 316 316	65 210 230	594 750 459
	(b) Compensation for the maintenance of the beneficiary	459 706 438	648 520 013	136 338 799	1 244 565 250
	Total	1 558 737 851	1 968 833 150	361 086 771	5 727 973 481

*Note:* The data provided for 2008 relate only to the payments from 1 January to 14 March 2008, i.e., they relate to two. The amounts are expressed in RSD.

**(d) Programmes and activities for the prevention and protection of children against abuse;**

26. The table below presents the review of projects and activities financed by the Ministry of Labour and Social Policy in 2006, 2007 and in the first two months of 2008.

**Review of data on budget allocations from the Ministry of Labour and Social Policy for the projects and activities related to protection of children against abuse**

Description	Year			Total in RSD
	2006	2007	2008 Payment in two months only	
Projects	450 000	56 150 124	1 287 300	57 887 424

*Note:* The data provided for 2008 relate only to the payments from 1 January to 14 March 2008, i.e., they relate to two. The amounts are expressed in RSD.

27. The Ministry of the Interior, in cooperation with the Ministry of Education, aim to protect children against all kinds of violence through the implementation of *The School Policeman* and *No Violence at Schools* prevention programmes.

28. *The School Policeman* programme was introduced in 2002 at a number of schools identified as having the most severe security problems. Two hundred and sixty-seven school policemen are presently engaged to carry out the jobs and tasks related to the improvement of security at 494 schools or 12.1 per cent of their total number (260 of preliminary schools and 234 secondary schools). An analysis of the effects of the introduction of *The School Policeman* programme indicates that this programme has been well accepted, by the teachers, the school managers, the pupils and their parents.

**(e) Programmes and activities aimed at dissemination of information and training (education) on the rights of the child.**

29. The most important programmes and activities are implemented in accordance with the General Protocol for the protection of children against abuse and neglect, adopted in 2005. They are explained in detail in responses under section B - General Implementation Measures, question 10.

30. Pursuant to the obligations resulting from article 42 of the Convention on the Rights of the Child, police officers specially qualified to work with minor persons have been implementing the programme entitled "Preventive Activities among the School Children and the Youth" since January 2005, according to model workshops in cooperation with the school managers and psychological-pedagogical services of the educational-upbringing institutions.

31. These activities aim to improve security at the educational-upbringing institutions and their surroundings, to prevent antisocial behaviour of the children and the young, to encourage the adoption of socially acceptable forms of behaviour to reinforce positive attitudes regarding the essential standards of social life, and to disseminate due and objective information on the rights and obligations in compliance with the Convention on the Rights of the Child.

32. In 2007, the Agency of Human and Minority Rights of the Government of the Republic of Serbia financed the publication of the Booklet for Education of the Young about the Human Rights - *The Compass*, which was published by the association of citizens under the name *The Group Wishing to [...]*. This booklet is intended to be used in the educational process, and was used for the training of teachers who were to instruct on the subject of civil education. On the occasion of Human Rights Day, 10 December 2006, the Agency of Human and Minority Rights of the Government of the Republic of Serbia initiated an award-winning competition for the best essays written by the pupils of primary and secondary schools. During the first competition the primary school pupils wrote their essays on the following topic *I have rights - that's me*, and secondary school pupils on *What Is It that I Do in Order to Understand Other People*. The pupils expressed great interest in this competition - more than 200 pupils in each category applied. In 2007, the Agency initiated a new competition. For the primary school pupils the topic was *I have a Right to be Understood ...*, and for the secondary school pupils the topic was *My word is free ...*. The number of received essays was also large at the second competition - around 100 essays by primary school pupils and more than 200 essays by secondary school pupils.

33. The table below also refers to the responses under (c) and (d) and identifies the activities of the Fund for Social Innovations (FSI). FSI is a significant mechanism for the development of new and sustainable services of social care at the local level through building of functional partnerships between the social care institutions, local communities and associations of citizens. FSI finances the projects for one year, and the services continue to be rendered afterwards through mechanisms established to ensure their continuity. Three competitions in total have been arranged so far, and a large number of project proposals in the system of social care have been submitted (social welfare centres and institutions for placements of customers) as well as associations of citizens.

#### FSI competitions

Year	Budget in RSD
2005/2006	14 614 381
2006/2007	68 760 891
2007/2008	46 003 341

34. It should be noted that, in addition to items (a), (b), (c), (d) and (e) above, the funds specified below were allocated from the Budget of Serbia for refugee children and internally displaced persons, through the Serbian Office of the Commissioner for Refugees, in the course of 2005, 2006 and 2007 according to the following categories:

- 2005
  - Collective centres 195,742,200.00
  - Social care institutions 2,738,420.00
  - Hostels 4,534,109.00
  - Total: 203,014,729.00  
(≈ EUR 2,600,000.00)

- 2006

○ Collective centres	158,583,010.00
○ Social care institutions	2,132,120.00
○ Hostels	3,901,704.00
Total:	164,616,831.00
	(≈ EUR 1,925,000.00)

- 2007

○ Collective centres	172,068,300.00
○ Social care institutions	1,511,628.00
○ Hostels	3,466,257.00
Total:	177,046,185.00
	(≈ EUR 2,240,000.00)

35. As far as asylum-seeking children are concerned, it has been estimated that it would be necessary to allocate budgetary funds in the amount of approximately RSD 14,000,000.00 (≈ EUR 168,000) for the costs of placement, food and other forms of aid for the children placed at asylum centres in the course of 2008.

36. Particular attention is drawn to the fact that in addition to the above-mentioned benefits, children from all those categories also have rights in the field of education, health and social care, through the line ministries, in accordance with legal regulations.

**Question 3. Concerning the children who do not live with their family and who are separated from their parents, disaggregated data on the number of children should be provided (by sex, age, ethnic affiliation as well as by urban and rural environments) for the years 2005, 2006 and 2007:**

**(a) The children separated from their parents;**

37. The table below contains the data about the number of children placed at institutions, with foster families and adopted children.

Year	Children at institutions (up to 18 years)	Children with foster families (up to 18 years)	Adopted children	Total
2005	2 175	2 685	123	4 983
2006	2 104	2 940	95	5 139
2007	1 702	3 350	131	5 183

**(b) The children placed at special institutions;**

38. The table shows the statistical data of the Ministry of Labour and Social Policy relating to the years 2005, 2006 and 2007 on the children placed at social care institutions. The expression *social care institution* includes all forms of institutional placement prescribed by the Law on Social Care and Provision of Social Security of Citizens (homes for children and youth, care centres for infants, children and youth, home for disabled children and institutes for children and youth upbringing).

**Table of data related to the children placed at social care institutions  
(by sex, age and ethnic structure)**

Year	Ethnic affiliation	Age								
		Under 10			Age of 10 to 18			*Age of 18 to 26		
		Sex			Sex			Sex		
		M	F	Total	M	F	Total	M	F	Total
2005	Serbian	345	240	585	593	387	980	398	249	647
	Croatian	2	4	6	9	3	12	5	5	10
	Montenegrin	2	1	3	5	3	8	2		2
	Muslim	4	4	8	10	10	20	10	12	22
	Albanian	1	2	3	11	5	16	3	3	6
	Hungarian	10	9	19	32	22	54	16	17	33
	Slovak	1	2	3	7	5	12	5	2	7
	Ruthenian				4	1	5	1		1
	Macedonian				9	2	11	3		3
	Czech		1	1				1		1
	Romanian	3		3	2	3	5	2	3	5
	Bulgarian	4	1	5	2	2	4			
	Slovenian	1		1		1	1			
	Roma	117	66	183	139	5	144	59	35	94
	Other	21	8	29	25	25	50	26	7	33
	Not known	1	2	3	1		1			
	Total	512	340	852	849	474	1 323	531	333	864
2006	Serbian	317	223	540	535	344	879	407	254	661
	Croatian	4	5	9	9	2	11	5	2	7
	Montenegrin	2		2	4	2	6	2	1	3
	Muslim	3	2	5	11	13	24	6	11	17
	Albanian	1		1	12	7	19	6	4	10
	Hungarian	11	9	20	31	21	52	14	17	31
	Slovak	2	2	4	7	8	15	5	2	7
	Ruthenian				3	1	4	2		2
	Macedonian				4	1	5	5		5
	Czech		1	1						
	Romanian	1		1	3	2	5	1	3	4
	Bulgarian	5		5	2	2	4			
	Slovenian									
	Roma	106	66	172	143	91	234	52	36	88
	Other	23	11	34	26	23	49	19	8	27
	Not known		2	2	1		1			
	Total	475	321	796	791	517	1 308	524	338	862

Year	Ethnic affiliation	Age								
		Under 10			Age of 10 to 18			*Age of 18 to 26		
		Sex			Sex			Sex		
		M	F	Total	M	F	Total	M	F	Total
2007	Serbian	256	168	424	475	281	756	385	249	634
	Croatian	2	1	3	2	2	4	7	3	10
	Montenegrin	2		2	4	2	6	3	1	4
	Muslim	2	3	5	7	7	14	7	13	20
	Albanian				10	5	15	8	4	12
	Hungarian	12	5	17	30	17	47	14	17	31
	Slovak	1	1	2	9	6	15	3	3	6
	Ruthenian				3	1	4	1		1
	Macedonian				3	1	4	5		5
	Czech		1	1						
	Romanian				2	2	4	1	3	4
	Bulgarian	3		3	2	2	4			
	Slovenian									
	Roma	71	42	113	124	76	200	52	38	90
	Other	12	10	22	27	15	42	21	13	34
Not known	1	2	3	2		2				
	Total	362	233	595	700	417	1 117	507	344	851

\* *Note:* (The table also contains data on the youth from 18 to 26 years who are placed at institutions for children.)

**(c) The children placed with foster families;**

39. The following table contains the statistical data of the Ministry of Labour and Social Policy on children placed with foster families for the years 2005, 2006 and 2007.

**Table of data related to the children with foster families  
(by sex, age and ethnic structure)**

Year	Ethnic affiliation	Age								
		Under 10			Age of 10 to 18			*Age of 18 to 26		
		Sex			Sex			Sex		
		M	F	Total	M	F	Total	M	F	Total
2005	Serbian	355	365	720	507	487	994	98	124	222
	Croatian	10	6	16	15	14	29	7	1	8
	Montenegrin					1	1			
	Muslim	7	10	17	19	10	29	2	1	3
	Albanian	10	3	13	15	11	26	8	6	14
	Hungarian	29	36	65	51	61	112	15	16	31
	Slovak	4	2	6	11	5	16	4	1	5
	Ruthenian				1	4	5			
	Macedonian		1	1	2	3	5		1	1
	Czech									
	Romanian	6	4	10	4	1	5		1	1
	Bulgarian	2		2	1	1	2		1	1
	Slovenian		3	3	3	3	6			
	Roma	121	137	258	146	128	274	16	12	28
	Other	18	12	30	17	17	34	6	1	7
Not known	3		3	1	2	3				
	Total	565	579	1 144	793	748	1 541	156	165	321

Year	Ethnic affiliation	Age								
		Under 10			Age of 10 to 18			*Age of 18 to 26		
		Sex			Sex			Sex		
		M	F	Total	M	F	Total	M	F	Total
2006	Serbian	395	397	792	559	548	1 107	113	134	247
	Croatian	14	10	24	16	15	31	8	3	11
	Montenegrin		1	1				1		1
	Muslim	5	13	18	17	7	24	3	1	4
	Albanian	8	5	13	14	12	26	10	7	17
	Hungarian	38	42	80	59	67	126	12	18	30
	Slovak	2	2	4	11	7	18		1	1
	Ruthenian				1	4	5			
	Macedonian				2	2	4		1	1
	Czech									
	Romanian	3	5	8	6	1	7		1	1
	Bulgarian	1		1	1	1	2	1		1
	Slovenian		3	3	2	4	6			
	Roma	136	135	271	147	146	293	30	14	44
	Other	15	15	30	20	21	41	7	2	9
	Not known	2		2	1	2	3			
	Total	619	628	1 247	856	837	1 693	185	182	367
2007	Serbian	464	449	913	631	654	1 285	118	147	265
	Croatian	16	11	27	19	15	34	6	5	11
	Montenegrin	1	2	3	1		1	1		1
	Muslim	4	9	13	17	10	27	5		5
	Albanian	9	8	17	17	9	26	10	10	20
	Hungarian	41	36	77	64	74	138	15	20	35
	Slovak	2	4	6	9	8	17	2	1	3
	Ruthenian				1	3	4			
	Macedonian				2	1	3		2	2
	Czech									
	Romanian	4	5	9	7	1	8		1	1
	Bulgarian	6	2	8	1	2	3	1		1
	Slovenian	1	2	3	2	2	4		1	1
	Roma	161	149	310	165	159	324	36	13	49
	Other	22	20	42	18	23	41	7	2	9
	Not known	2	1	3	2	2	4			
	Total	733	698	1 431	956	963	1 919	201	202	403

\* Note: (The table also contains data on the youth from 18 to 26 years who are placed with foster families.)

*(d) The children adopted domestically or through intercountry adoptions.*

40. The table below contains the data of the Ministry of Labour and Social Policy on adopted children (domestic adoption and international adoption) for the years 2005, 2006 and 2007.

2005												
The total number of adopted children 123												

2006												
Sex		Inter-country	Domestic	National affiliation								
M	F			Serbian	Roma	Other	Not known	Muslim	Hungarian	Bulgarian	Romanian	Albanian
43	52	9	86	71	18	2	1	1	1	1	/	/

(The total number of adopted children was 95 in 2006.)

2007												
Sex		Inter-country	Domestic	National affiliation								
M	F			Serbian	Roma	Other	Not known	Muslim	Hungarian	Bulgarian	Romanian	Albanian
67	64	11	120	91	28	1	4	4	1	/	1	1

(The total number of adopted children amounted to 131 in 2007.)

2008												
Sex		Inter-country	Domestic	National affiliation								
M	F			Serbian	Roma	Other	Not known	Muslim	Hungarian	Bulgarian	Romanian	Albanian
8	9	/	17	14	3	/	/	/	/	/	/	/

(The total number of the children adopted until 17 March 2008 amounts to 17.)

**Question 4. The number of children with special needs should be precisely specified, disaggregated by sex, age, ethnic affiliation as well as by urban or rural environments for the years 2005, 2006 and 2007:**

**(a) The children who live with their families;**

41. There are no available data.

**(b) The children placed at special institutions;**

42. The table below contains the data of the Ministry of Labour and Social Policy on the total number of disabled children placed in social care institutions (question 3 (b) for the years 2005, 2006 and 2007).

**Table of data related to the disabled children placed at social care institutions  
(by sex, age and ethnic structure)**

Year	Ethnic affiliation	Age								
		Under 10			Age of 10 to 18			*Age of 18 to 26		
		Sex			Sex			Sex		
		M	F	Total	M	F	Total	M	F	Total
2005	Serbian	(217)	(142)	359	(297)	(175)	472	(323)	(188)	511
	Croatian	(2)	(4)	6	(3)	(1)	4	(5)	(4)	9
	Montenegrin	(2)	(1)	3	(5)	(2)	7	(2)		2
	Muslim	(3)	(2)	5	(6)	(7)	13	(10)	(3)	13
	Albanian	(1)	(2)	3	(6)	(2)	8	(3)		3
	Hungarian	(7)	(5)	12	(26)	(17)	43	(12)	(16)	28
	Slovak		(2)	2	(5)	(2)	7	(5)	(2)	7
	Ruthenian				(3)	(1)	4	(1)		1
	Macedonian				(5)	(1)	6	(3)		3
	Czech		(1)	1				(1)		1
	Romanian	(1)		1		(2)	2	(1)	(3)	4
	Bulgarian	(1)		1	(1)	(1)	2			
	Slovenian									
	Roma	(41)	(19)	60	(60)	(55)	115	(47)	(23)	70
	Other	(9)	(5)	14	(16)	(9)	25	(23)	(5)	28
	Not known		(1)	1	(1)		1			
	Total	284	184	468	434	275	709	435	244	679
2006	Serbian	(199)	(130)	329	(275)	(158)	433	(328)	(200)	528
	Croatian	(1)	(2)	3	(2)	(1)	3	(5)	(2)	7
	Montenegrin	(2)		2	(4)	(2)	6	(2)	(1)	3
	Muslim	(1)	(1)	2	(6)	(9)	15	(6)	(9)	15
	Albanian	(1)		1	(7)	(5)	12	(5)	(3)	8
	Hungarian	(8)	(6)	14	(24)	(15)	39	(13)	(15)	28
	Slovak		(1)	1	(5)	(4)	9	(5)	(2)	7
	Ruthenian				(2)	(1)	3	(1)		1
	Macedonian				(3)		3	(5)		5
	Czech		(1)	1						
	Romanian				(1)	(2)	3	(1)	(3)	4
	Bulgarian	(5)		5	(1)	(1)	3			
	Slovenian									
	Roma	(45)	(25)	70	(53)	(51)	104	(42)	(24)	66
	Other	(11)	(5)	16	(16)	(8)	24	(16)	(5)	21
	Not known		(2)	2	(1)		1			
	Total	273	172	445	400	257	657	429	264	693

Year	Ethnic affiliation	Age								
		Under 10			Age of 10 to 18			*Age of 18 to 26		
		Sex			Sex			Sex		
		M	F	Total	M	F	Total	M	F	Total
2007	Serbian	(182)	(118)	300	(263)	(143)	406	(322)	(191)	513
	Croatian	(1)	(1)	2	(1)	(1)	1	(6)	(2)	8
	Montenegrin	(2)		2	(4)	(2)	6	(3)	(1)	4
	Muslim	(1)	(2)	3	(5)	(5)	10	(5)	(10)	15
	Albanian				(7)	(4)	11	(6)	(3)	9
	Hungarian	(9)	(5)	14	(23)	(11)	34	(12)	(16)	28
	Slovak		(1)	1	(6)	(4)	10	(3)	(3)	6
	Ruthenian				(2)	(1)	3			
	Macedonian				(2)		2	(5)		5
	Czech		(1)	1						
	Romanian				(1)	(2)	3	(1)	(3)	4
	Bulgarian	(1)		1	(1)	(1)	2			
	Slovenian									
	Roma	(32)	(19)	51	(49)	(54)	103	(43)	(29)	72
	Other	(7)	(6)	13	(16)	(5)	21	(18)	(8)	26
Not known										
	Total	235	153	388	379	229	608	424	266	690

\* *Note:* (The table also contains the data about the disabled young people from 18 to 26 years who are placed at the children's institutions.)

**(c) The children who are placed with foster families;**

43. The table below contains the data of the Ministry of Labour and Social Policy on the total number of disabled children placed with foster families (question 3 (c) for the years 2005, 2006 and 2007).

**Table of data related to the disabled children placed with foster families  
(by sex, age and ethnic structure)**

Year	Ethnic affiliation	Age								
		Under 10			Age of 10 to 18			Age of 18 to 26		
		Sex			Sex			Sex		
		M	F	Total	M	F	Total	M	F	Total
2005	Serbian	(19)	(14)	33	(45)	(48)	93	(16)	(10)	16
	Croatian	(1)		1	(1)	(2)	3			
	Montenegrin					(1)	1			
	Muslim				(1)		1	(1)		1
	Albanian	(2)		2	(4)	(1)	5			
	Hungarian	(1)	(1)	2	(7)	(9)	16	(4)		4
	Slovak	(1)	(1)	2	(1)	(3)	4			
	Ruthenian				(1)	(1)	2			
	Macedonian				(2)		2			
	Czech									
	Romanian		(1)	1		(1)	1			
	Bulgarian									
	Slovenian									
	Roma	(4)	(5)	9	(35)	(24)	59	(3)	(1)	4
	Other				(2)	(1)	3	(3)		3
Not known					(2)	2				
	Total	28	22	50	99	93	192	27	11	38

Year	Ethnic affiliation	Age								
		Under 10			Age of 10 to 18			Age of 18 to 26		
		Sex			Sex			Sex		
		M	F	Total	M	F	Total	M	F	Total
2006	Serbian	(19)	(20)	39	(47)	(49)	96	(21)	(12)	33
	Croatian	(1)		1	(2)	(4)	6			
	Montenegrin									
	Muslim				(1)	(1)	2	(1)		1
	Albanian	(1)		1	(5)	(1)	6			
	Hungarian	(2)	(3)	5	(10)	(13)	23	(4)		4
	Slovak	(1)	(1)	2	(2)	(3)	5			
	Ruthenian				(1)	(1)	2			
	Macedonian				(2)		2			
	Czech									
	Romanian		(1)	1	(1)	(1)	2			
	Bulgarian									
	Slovenian									
	Roma	(7)	(2)	9	(32)	(27)	59	(7)	(1)	8
	Other				(2)	(2)	4	(2)		2
Not known					(2)	2				
	Total	31	27	58	105	104	209	35	13	48
2007	Serbian	(25)	(20)	45	(58)	(63)	121	(20)	(6)	26
	Croatian		(1)	1	(2)	(3)	5	(1)	(1)	2
	Montenegrin									
	Muslim				(1)	(1)	2			
	Albanian	(1)		1	(5)	(1)	6			
	Hungarian	(1)	(1)	2	(12)	(18)	30	(5)		5
	Slovak		(1)	1	(2)	(3)	5			
	Ruthenian				(1)	(1)	2			
	Macedonian				(2)		2			
	Czech									
	Romanian		(1)	1	(1)	(1)	2			
	Bulgarian	(1)		1						
	Slovenian									
	Roma	(8)	(8)	16	(35)	(24)	59	(9)		9
	Other				(1)	(4)	5	(1)		1
Not known	(1)		1		(2)	2				
	Total	37	32	69	119	139	258	36	7	43

\* *Note:* (The table also includes data on the disabled young people from 18 to 26 years who are placed with foster families.)

**(d) The children who attend regular schools;**

44. There are no available data.

**(e) The children who attend special schools;**

45. There are no available data about children with special needs at special schools. However, the largest number of children at special schools are children with special needs, and the data on the number of pupils at such schools are contained in the table below. According to the methodology identified for the collection of statistical data, special education is a kind of education for mentally or physically disabled children and young persons. As a rule, the pupils

are admitted to schools at the age prescribed for school attendance and above. The curriculum of these schools is in compliance with the curriculum of the corresponding regular school, adjusted to the degree of disability of the pupils.

### Special primary schools

		Pupils	Female pupils	Completed school	Regular
		Total		Total	
The Republic of Serbia	2003/04*	7 895	3 224	853	853
	2004/05*	8 064	3 298	937	937
	2005/06*	7 707	3 138	943	390
The Central Serbia	2003/04	4 770	1 976	551	551
	2004/05	4 753	1 977	588	588
	2005/06	4 661	1 875	591	239
Vojvodina	2003/04	3 125	1 248	302	302
	2004/05	3 311	1 321	349	349
	2005/06	3 046	1 263	352	151

### Special secondary schools

		Pupils	Female pupils	Completed school	Regular
		Total		Total	
The Republic of Serbia	2003/04*	1 338	481	441	441
	2004/05*	1 186	445	354	354
	2005/06*	1 465	545	386	386
The Central Serbia	2003/04	878	332	276	276
	2004/05	678	265	275	275
	2005/06	972	369	315	315
Vojvodina	2003/04	460	149	165	165
	2004/05	508	180	79	79
	2005/06	493	176	71	71

\* No data for Kosovo and Metohija.

46. According to the data of the Ministry of Education collected in 2006, in Serbia there are:

- 10 special primary schools providing educational-upbringing activities for children of preschool age
- 68 development groups at preschool institutions
- 51 primary schools for handicapped pupils, as follows:
  - (a) 37 primary schools for pupils with intellectual impairment;
  - (b) 8 primary schools for pupils with hearing impairment;

- (c) 2 primary schools for pupils with behavioural disturbances;
- (d) 2 primary schools for pupils with sight impairment;
- (e) 2 primary schools for pupils with physical impairment;
- 41 secondary schools for handicapped pupils, as follows:
  - (a) 36 secondary schools for pupils with intellectual impairment;
  - (b) 3 secondary schools for pupils with hearing impairment;
  - (c) 1 secondary school for pupils with behavioural disturbances;
  - (d) 1 secondary school for pupils with physical impairment.
- (f) *The children who do not attend school.*

47. There are no available data.

**Question 5. Concerning abuse of children, disaggregated data should be provided (by sex, age, minority and ethnic affiliations as well as by identified forms of violence) for the years 2005, 2006 and 2007 on:**

(a) *The number of registered cases of abuse of children;*

48. The protection measures against family violence are an entirely new instrument in the family legislation of the Republic of Serbia. Courts have an exclusive right to take decisions on measures of protection against violence, and the following measures are prescribed: issuance of an order to move out of the apartment, issuance of an order to move into the apartment, prohibition of access to a member of the family, prohibition of access to the area around the place of residence or work, and prohibition of further harassment of a member of the family.

49. In the field of protection against family violence, the custody authority, pursuant to the provisions of the Family Law, has a wide range of powers: from the initiation of court proceedings, assistance to the court to obtain necessary evidence, submission of findings and opinions on the justification of the required measure, to the undertaking of custody care measures, urgent placement and undertaking of other measures of legal family-related and social care. The custody authority has the powers to file criminal and offence charges.

50. The social welfare centres have identified the following number of abused children:

	2005	2006	2005/06
The Central Serbia	1 225	1 556	127.0
Vojvodina	709	968	136.5
Belgrade	293	193	65.9
Total Serbia	2 227	2 717	122

51. The table shows that the number of children who have been the victims of family violence has increased by 22 per cent, most of this increase occurring in the region of Vojvodina (36.5 per cent). An exception to this tendency has only been in the region of Belgrade where the number of identified abused children has decreased by 34.1 per cent. According to the dominant form of abuse, the structure of children abuse in 2006 was as follows:

2006	Physical abuse		Sexual abuse		Emotional abuse		Severe neglect		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
The Central Serbia	340	21.8	61	3.9	421	27.1	734	47.2	1 556	100.0
Vojvodina	225	23.2	50	5.2	276	28.5	417	43.1	968	100.0
Belgrade	37	19.2	21	10.9	98	50.7	37	19.2	193	100.0
Total Serbia	602	22.16	132	4.86	795	29.26	1 188	43.72	2 717	100.0

52. In a large number of cases children are victims of various and causally linked forms of abuse. The most frequent form is manifested as severe neglect of the needs and development of the child. In every fifth case, physical violence has been identified as the dominant form of abuse, and in the case of more than one quarter of children, the dominant form has been emotional, namely psychological abuse.

53. There is a noticeable discrepancy from the above-mentioned proportions in the case of the children registered with the City Social Welfare Centre in Belgrade, where the children subjected to emotional abuse constitute the largest group (over half the abused children) and where the highest percentage of children who suffered from sexual abuse has been registered.

54. The above-mentioned data should be accepted conditionally as it is very difficult to distinguish the dominant form of abuse. The establishment of a record of experiences is, therefore, of considerable value in the understanding of the phenomenon of abuse of children in all its aspects, in each individual case.

55. The following table shows the data on those who have committed abuse:

Abuser	Number of cases (2006)	%
Father	976	42.8
Mother	432	18.9
Both parents	605	26.5
Relative	119	5.2
Someone else	133	5.8
Not known	18	0.8
Total	2 283	100.0

56. The custody authority has established that in 88.2 per cent of the cases, the abuse has been committed by a parent (most frequently by the father, although, in a considerable number of cases, by the mother or both parents). These data confirm the known fact that abuse happens most often in the primary family, by those who are next of kin.

57. In the course of 2006, 271 court proceedings were initiated seeking protection against family violence.

**(b) The number of registered cases (expressed in percentages), which resulted in court decisions or some measures;**

58. The number of criminal charges filed by the custody authority for criminal acts committed to the detriment of minor persons:

Number of denunciations	2005	2006	2006/05
The Central Serbia	240	243	101.2
Vojvodina	64	68	106.2
Kosovo	4	5	125.0
Belgrade	22	27	122.7
Serbia	330	343	103.9

59. In the course of 2006, there was a slight increase in the number of criminal charges filed by the custody authority with the aim to protect the rights and interests of minor persons (for 3.9 per cent). The following table shows the structure of filed criminal charges by the custody authority at the level of Serbia.

Criminal act	2005	2006
Neglect and abuse of a minor (article 93 of the Criminal Law)	168	185
Failure to provide maintenance (article 195 of the Criminal Law)	49	56
Violation of family duty (article 196 of the Criminal Law)	13	19
Abduction of a minor (article 191 of the Criminal Law)	6	12
Incest (article 197 of the Criminal Law)	6	4
Cohabiting with a minor (article 190 of the Criminal Law)	18	30
Sexual intercourse with a child or similar act (article 180 of the Criminal Law)	35	9
Rape of a minor (article 178 of the Criminal Law)	8	5
Sexual intercourse with a child through abuse of position or similar act (article 181 of the Criminal Law)	1	2
Group of criminal acts where the children are victims of criminal behaviour (articles 123, 185, 247 of the Criminal Law)	19	12
Group of criminal acts related to exploitation of children (article 184 of the Criminal Law)	5	4
Children trafficking aimed to use of children for prostitution, bagging, etc. (article 388 of the Criminal Law)	1	2
Children trafficking for adoption purposes (article 389 of the Criminal Law)	1	2
Sexual intercourse with a helpless person or similar act (article 179 of the Criminal Law)	0	1
Total	330	343

(c) *The number and percentage of the victim children who have received advice and aid during recovery.*

60. *SOS line for children* was established in 2005 with the support of the Ministry of Labour and Social Policy, the Ministry of Health, the Ministry of Education and Sports, the National Office of the President of the Republic of Serbia, the Princess Katarina Karadjordjević Foundation and Telekom Srbije. It started operation as a project activity, and was transformed into a service financed from budgetary funds (the Ministry of Labour and Social Policy), as the only telephone line of this kind at the national level.

61. Since its establishment in 2005, *SOS line for children* has received more than 24,000 calls, out of which 7,600 in 2007. In 2006, *SOS line for children* received 7,576 calls and conducted 2,682 advisory interviews with children, young people and the concerned adults. In 68 per cent of cases the calls were made from towns, in 20 per cent from small places and in 12 per cent from the country. The calls were most frequently made by children of primary school age. Children of up to 6 years of age were involved in 3.6 per cent of the total number of interviews conducted in 2006, children of 7 to 9 years of age in 7 per cent, children from 10 to 12 years of age in 28 per cent, children from 13 to 15 years in 35.4 per cent, and children from 16 to 17 years of age in 9.3 per cent. In 2006, 16.7 per cent of calls were made by young people over 18 years of age. *The location of SOS line for children is considered confidential.* For more details please visit the site [www.decijalinija.com](http://www.decijalinija.com).

62. *The Coordination Agency for the protection of the victims of people trafficking* was established on 1 March 2004 as a joint project of the Ministry of Labour, Employment and Social Policy and the mission of OSCE in Serbia. The agency performs its activities with the Institute for Upbringing of the Children and the Youth in Belgrade. Since 1 June 2005 the agency has been rendering services financed from the budget of the Republic of Serbia (the Ministry of Labour and Social Policy). The agency deals with the protection of the victims of people trafficking, including children, by identifying the victims and directing them to adequate aid programmes. Since the agency has no established programmes of activities for the victim children or an adequate shelter to place them, all minor victims of people trafficking are given protection by including them in the programmes and activities of the social welfare centres throughout the Republic.

63. *The Coordination Agency for the protection of the victims of people trafficking* carries out its activities jointly with the Institute for Upbringing of the Children and the Youth in Belgrade. This Agency was established in 2004, when 38 victims of people trafficking were identified, among them 18 minor persons, 4 boys and 14 girls. In 2005, 53 victims were identified, all females of whom 11 were girls. In 2006, 62 victims were identified, out of whom 34 were minor persons, 32 were girls and 2 were boys. In 2007, the total number of victims was 60, out of whom 26 were minor persons, 24 girls and 2 boys.

64. Three competitions in total have been arranged so far, and a large number of project proposals in the system of social care was submitted (social welfare centres and institutions for

placements of customers) as well as associations of citizens. *The Foundation for Social Innovations* finances the projects lasting for one year after which services continue to be rendered through a mechanism established to ensure their continuity.

65. Within the first competition (2004) *FSI* financed 13 projects in total, to deal with the protection of victims of violence, out of which 5 shelters are provided for female victims. The continuation of financing has also been approved for six projects from this group in the course of 2005. Within this second competition (2005), two projects to open safe homes for women and children as the victims of violence were financed, and a number of projects within this competition also dealt with the training of professional experts to work with the victims of violence, abuse and neglect, as well as violence at schools, etc. The third competition of *FSI* is currently in progress, which also includes projects dealing with the protection of children against abuse and neglect.

**Question 6.** *As regards the right to education, disaggregated data should be provided (by sex and age, as well as by urban or rural environments or by minority groups) for the years 2005, 2006 and 2007, in percentages in relation to the relevant age group, concerning the following issues:*

(a) *Rate of children enrolled in primary and secondary schools as well as in preschool institutions and facilities for daily stay;*

#### Preschool institutions

66. According to the data of the Statistical Institute of the Republic of Serbia, the number of children enrolled in preschool institutions (including facilities for daily stay as well) was 167,441 in 2005, while in 2006 this number amounted to 173,203. Other data concerning preschool education are given in the tables below.

#### Number of upbringing-educational institutions and number of children by sex and age

Year	No. of institutions	Number of children								
		Total	Girls	By age						
				Up to 18 months	18 months to 2 years	2-3 years	3-4 years	4-5 years	5-7 years	3-7 years mixed groups
The Republic of Serbia										
2005	1 873	167 441	81 287	4 313	6 844	13 758	20 582	25 464	79 515	16 965
2006	7 924	173 203	84 274	4 930	8 129	14 890	21 922	27 229	76 595	19 508
The Central Serbia										
2005	1 243	119 648	58 242	3 457	5 523	10 685	15 011	18 085	56 898	9 989
2006	1 328	122 507	59 635	4 098	6 511	11 234	15 777	18 362	54 842	11 683
Vojvodina										
2005	630	47 793	23 045	856	1 321	3 073	5 571	7 379	22 617	6 976
2006	642	50 696	24 639	832	1 618	3 656	6 145	8 867	21 753	7 825

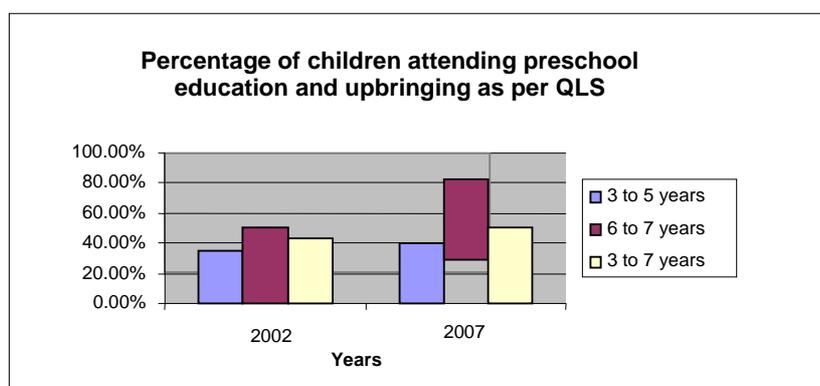
### Number of upbringing-educational institutions and number of children by type of stay

Year	Total		Whole day and five-day permanence		Half-day basis permanence		Three-hour programme (6-7 years)	
	Groups	Children	No. of pedagogical groups	No. of children	No. of pedagogical groups	No of children	No. of pedagogical groups	No. of children
The Republic of Serbia								
2005	7 462	167 441	4 815	115 223	2 071	41 475	576	10 743
2006	7 924	173 203	4 907	119 965	2 539	47 757	478	5 481
The Central Serbia								
2005	5 258	119 648	3 567	86 647	1 121	22 386	570	10 615
2006	5 605	122 507	3 582	88 986	1 562	28 315	461	5 206
Vojvodina								
2005	2 204	47 793	1 248	28 576	950	19 089	6	128
2006	2 319	50 696	1 325	30 979	977	19 442	17	275

67. A comparison of the data on the estimation of the number of children up to 7 years of age in 2005 and in 2006, stated in the response to question 1, with the data on the number of children enrolled in preschool institutions, indicate that 32.02 per cent of children were enrolled in preschool institutions in 2005, while in 2006 this rate amounted to 33.09 per cent. The percentage of children from 3 to 7 years of age covered by preschool upbringing (all forms within the public sector) were: in 2004 - 37.3 per cent and in 2005 - 39.2 per cent (source: DevInfo). A year before they start school, 88.6 per cent of children in total are covered by some kind of preschool upbringing and education (whole-day and half-day programmes and four-hour programmes) (the Roma children - 56.9 per cent, and those from the poorest group - 77 per cent).

68. According to the *Questionnaire on the Living Standard in 2007*, preschool institutions were attended by 38.1 per cent of children from 3-5 years of age (39 per cent of boys and 37 per cent of girls). Preschool institutions were attended by 83 per cent of children from 6-7 years of age (81 per cent boys and 85 per cent of girls). More than 96 per cent of children attended State kindergartens. The programme is implemented in the course of the year before the children start primary school (for the children from 5½ to 6½ years of age), and lasts for a minimum of six months, for at least four hours daily. It is implemented at kindergartens, and to a considerably lower extent at primary schools (out of about 78,000 children covered, 3,800 of children are in preschool groups at schools).

#### Graph: Preschool education pursuant to the questionnaire on living standards



69. In the last five years there has been a slight increase of the children from 3 to 5 years of age included in preschool upbringing and education (about 5 per cent).

### Primary schools

70. The data on children included in primary and secondary education are contained in the table below.

	Primary education			Rate of those who continue to go to school	Secondary education	
	Scope in %	Rate of those who give up	Rate of those who complete the school		Scope in %	Rate of those who give up
2000/01	97.89	0.72	95.36	97.14	64.25	2.44
2001/02	98.35	0.87	94.95	97.99	61.18	2.44
2002/03	96.10	0.39	91.80	96.96	62.15	1.47
2003/04	97.74	1.94	98.02	99.99	77.53	3.25
2004/05	99.03	0.52	99.11	97.59	77.09	2.09
2005/06	98.41	0.36	95.00	97.33	77.76	

71. In spite of the fact that compulsory universal free-of-charge primary education is guaranteed by law, all children are not enrolled in primary schools. The decrease of the number of children who enrol in primary school is about 5 per cent on average. The percentage of children who do not proceed to the fifth grade is low (1.1 per cent, the Republic Statistical Institute, 2005). The highest decrease is with children from rural areas and the Roma children.

### Secondary schools

72. The data on children included in secondary education are given in the table above. If we compare the statistical data, it may be noticed that the percentage of children who are enrolled in secondary schools has been slightly higher (1991 - 70.65 per cent; 2003 - 76.17 per cent; 2005 - 76.42 per cent, The Republic Statistical Institute of Statistics). Within the last five years, the structure of secondary education has changed in respect of its duration in favour of four-year education, where the number of girls attending these schools is higher (84.8 per cent) than that of boys (69.3 per cent - the data for the years 2005/06) according to the data provided by the Ministry of Education of the Republic of Serbia. The boys enrol in three-year secondary schools considerably more (30.7 per cent of boys in relation to 15.2 per cent of girls, the data for the years 2005/06). According to the data of the Ministry of Education, there is a very small number of part-time pupils at the secondary schools (2.7 per cent, in the school year 2004/05).

### Education of the Roma children at primary and secondary schools

73. The data on the enrolment of the Roma children in primary schools are not fully reliable. Available data indicates an increase of the number of Roma children in the first year of the primary schools: from 73.9 per cent<sup>7</sup> in 2002 (for boys - 77.9 per cent, for girls - 69.7 per cent)<sup>8</sup>

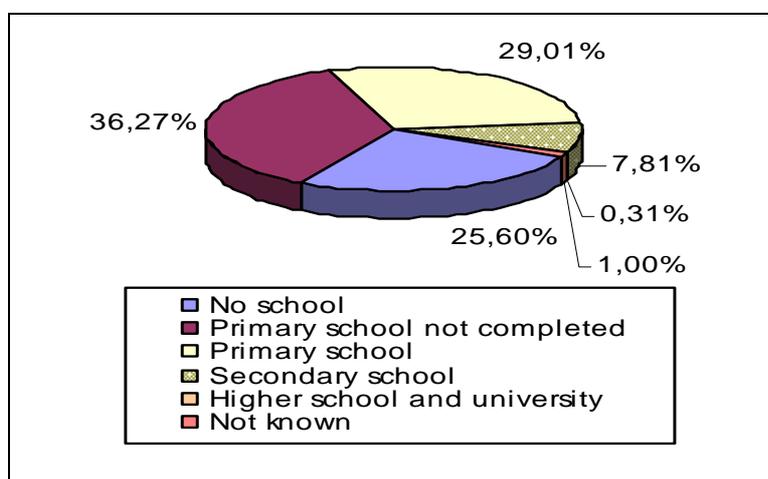
<sup>7</sup> This is the percentage of the children whose parents declared to be Roma.

<sup>8</sup> The Republic Statistical Institute, 2002.

to 82.5 per cent - 89.6 per cent in 2004.<sup>9</sup> Unfortunately, none of these data may be accepted in full for several reasons: due to ethnic mimicry, the exact number of the Roma and Roma children in Serbia cannot be determined. Another reason is that children at primary schools are not registered in respect of their national or ethnic affiliation. In addition, Roma children often start school later than the prescribed age and according to research conducted on a sample basis, and thus can only be considered conditionally, 66 per cent of Roma children enrol in schools at the prescribed age compared to 94 per cent of the rest of the population.<sup>10</sup> The statistical data on the level of education of the population obtained in the 2002 census provide some insight into the education of the Roma.

**Population aged 15 and over by level of education, 2002 (in %)**

	Total	No school	Primary school not completed	Primary school	Secondary school	Higher school and university	Not known
The Republic of Serbia	100.00	5.66	16.18	23.88	41.07	11.03	2.18
The Roma	100.00	25.60	36.27	29.01	7.81	0.31	1.00



74. It may be noticed that the Roma have considerably less favourable educational structure in relation to the total population. As many as 25.6 per cent of the Roma did not complete any class of primary school, while about 36 per cent of them did not finish their primary education; 29 per cent of the Roma have primary education, whereas the share of persons with higher or university education is extremely low (only 0.31 per cent).

<sup>9</sup> Roma Education Fund.

<sup>10</sup> MICS3, preliminary results.

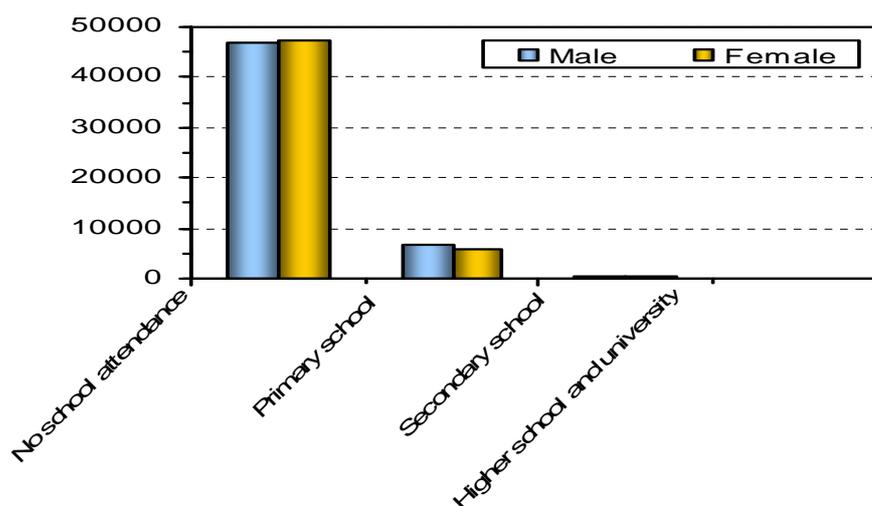
### Population aged 10 and over by literacy, 2002

	Sex	Illiterate population	Percentage of illiterate persons of total population of age of 10 and above
The Republic of Serbia	Total	232 925	3.45
	Male	35 271	1.08
	Female	197 654	5.66
The Roma	Total	16 581	19.65
	Male	5 019	11.84
	Female	11 562	27.56

75. The Roma belong to the ethnic communities having the highest level of illiteracy (19.6 per cent), in view of the fact that the level of illiteracy of the total population is 3.5 per cent. Of the illiterate Roma, two thirds are women. Twenty-eight per cent of the Roma female population are illiterate.

### Population by type of school attendance, 2002

	Sex	Total	No school attendance	Primary school	Secondary school	Higher school	University
The Republic of Serbia	Total	7 498 001	6 214 690	675 337	321 113	73 966	212 895
	Male	3 645 930	3 007 940	347 504	160 499	36 625	93 362
	Female	3 852 071	3 206 750	327 833	160 614	37 341	119 533
The Roma	Total	108 193	94 205	12 772	1 058	80	78
	Male	54 531	46 962	6 825	656	42	46
	Female	53 662	47 243	5 947	402	38	32
%							
The Republic of Serbia	Total	100.00	82.88	9.01	4.28	0.99	2.84
	Male	100.00	82.50	9.53	4.40	1.00	2.56
	Female	100.00	83.25	8.51	4.17	0.97	3.10
The Roma	Total	100.00	87.07	11.80	0.98	0.07	0.07
	Male	100.00	86.12	12.52	1.20	0.08	0.08
	Female	100.00	88.04	11.08	0.75	0.07	0.06



76. At the time of the 2000 census, nearly 13 per cent of the Roma were attending schools, 11.8 per cent in primary schools. As the share of children from 7 to 14 years of age in the total Roma population amounts to 16 per cent it is obvious that all Roma children of this age were not included in primary education. A comparison of the data of the 2002 census on the number of the children from 7 to 14 years of age, which is the age for primary education (17,285) with the number of the Roma children attending (12,772), indicates that only 73.89 per cent of the Roma children were included in compulsory primary education. The percentage of Roma children who enrol in some kind of secondary schools (three-year or four-year schools) is low; according to the research conducted by some associations of citizens based on a sample of children, 8.3 per cent enrol in secondary schools.<sup>11</sup> A sample of 34 secondary schools found that, of the total number of pupils in the first year, the percentage of Roma children was 1.81 per cent, and that a mere 0.96 per cent of them finish secondary school, indicating that Roma children leave secondary schools at large.<sup>12</sup>

77. In order to address the problem of secondary education of Roma children, since the school year 2003/04 the State has applied measures of affirmative action in secondary education. These measures provide favourable conditions for the enrolment of the pupils of the Roma nationality. According to the adopted criteria, pupils of the Roma nationality will be enrolled in adequate educational profile if the total score of points they have accomplished on all grounds is not less than 30 points of the mean value of points required for the educational profile at the required school. The criteria prescribe that only one pupil of the Roma nationality may be enrolled in one educational profile at one school, who enrolled in order to implement affirmative actions. The table below contains data on the application of measures of affirmative actions since the school year 2003/04.

	School year				
	2003/04	2004/05	2005/06	2006/07	2007/08
Secondary school	39	93	103	140	185

### **Education in respect of social and sex structures**

78. In respect of those enrolled in the education system, there are significant differences depending on different social-economic indicators: in the system of education there is a considerably smaller number of the young from households where the head of the household is of poor education (28 per cent), as well as those from the poorest families (42 per cent), the Roma (62 per cent), refugee and internally displaced young people (22 per cent). The percentage of pupils from families who get pecuniary support is 2.4 per cent, and the percentage of pupils from families who get child allowance is 19 per cent. The highest percentage of children (7-14 years of age) and young people (15-19 years of age) who are not enrolled in the educational system is in Vojvodina and the West Serbia and the lowest one is in Belgrade. If attendance of grammar schools reflects a decision of the young to continue their education at

<sup>11</sup> The data of REF.

<sup>12</sup> The Centre for the Right of the Child, 2006.

university institutions, it may be concluded that a higher percentage of the young from the most educated families (43 per cent), from the richest households (34 per cent), and from the urban areas (22 per cent) would pursue a higher education as compared to the average (16 per cent).

79. The differences according to sex among those who are not included in the educational system are marked among poor children (50 per cent of female children in relation to 31 per cent of male children), refugees and internally displaced persons (19 per cent of female children in relation to 27 per cent of male children) and among the rural young people (17 per cent of female in relation to 24 per cent of male). The tables below contain insights into the sex structure of pupils at primary and secondary schools.

(b) *The percentage of children attaining primary and secondary school education;*

(c) *The number and percentage of children who leave school or repeat the school year;*

80. The data on the rate of primary and secondary school completion are contained in the table in the response to the question under (a). The table below contains the data on the total number of schools, pupils, their sex structure and the number of pupils who completed schools in certain years.

### Basic indicators of schools and pupils of primary and secondary schools

#### Regular primary education

		Schools	Classes	Pupils		Completed the school	
				Total	Female pupils	Total	Regular
The Republic of Serbia	2003/04	3 592	31 172	664 577	323 981	83 807	83 807
	2004/05	3 578	31 019	656 103	319 977	82 761	82 761
	2005/06	3 572	30 479	639 293	311 484	82 514	82 514

#### Regular secondary education

		Schools	Classes	Pupils		Completed the school	
				Total	Female pupils	Total	Regular
The Republic of Serbia	2003/04	491	10 894	303 596	150 595	79 685	75 529
	2004/05	485	10 936	299 973	148 370	77 746	73 648
	2005/06	478	10 970	287 397	145 997	75 828	72 363

#### Special primary schools

		Schools	Classes	Pupils		Completed the school	
				Total	Female pupils	Total	Regular
The Republic of Serbia	2003/04	240	1 195	7 895	3 224	853	853
	2004/05	249	1 248	8 064	3 298	937	937
	2005/06	245	1 181	7 707	3 138	943	390

### Special secondary schools

		Schools	Classes	Pupils		Completed the school	
				Total	Female pupils	Total	Regular
The Republic of Serbia	2003/04	41	220	1 338	481	441	441
	2004/05	39	200	1 186	445	354	354
	2005/06	41	237	1 465	545	386	386

81. According to the data of the Republic Statistical Institute 2005, the rate of completion of primary school is high and in 2005 it amounted to 95.29 per cent (for boys, 94.71 per cent, for girls, 95.89 per cent). Nearly all children pass on to the fifth year of primary school (98.86 per cent). However, a considerably lower percentage of children (77.62 per cent) in rural areas continue their schooling after the fourth year of primary school (boys: 78.37 per cent, girls: 76.83 per cent).

82. The sample-based research on Roma children showed that the number of Roma children who had completed the primary school was less than the number of those who enrolled in the first year, i.e. the rate of their leaving school is high.<sup>13</sup> The same research shows that the Roma children who leave school are most often those whose mothers have no permanent employment and have a low level of education, or whose fathers have no education or have incomplete primary school. The data on the education of Roma children are contained in the response to question No. 6 under (a). As a result of their social-cultural deprivation, a number of Roma children has been unduly enrolled in special schools.

83. There are no precise data on the number of disabled children who finish primary school. According to research on handicapped persons, conducted on a sample<sup>14</sup> in 15 municipalities in Serbia, 4 per cent do not have primary school education<sup>15</sup> and 17.8 per cent have not completed secondary school. UNESCO and Save the Children support pilot aid projects for disabled children<sup>16</sup> (*School per child requirements, Mitigation of poverty effects for the children with special need in Serbia, UNESCO support programme for children with special needs*).

84. The rate of those who repeat years at secondary schools is slightly higher than at primary schools amounting to 1.9 per cent; the percentage of repetition is higher among males (2.6 per cent), among the young from the worst educated families (3.1 per cent) and the poorest families (3.1 per cent), as well as among those from South-East Serbia (5.4 per cent) and Vojvodina (2.6 per cent). There are 6.2 per cent of Roma in the same category (girls only). The sample contains only 12 Roma children of the relevant age thus no general conclusions could be made.

<sup>13</sup> More than an official estimation - the status of the Roma children in Serbia, *Centre for the Rights of the Child, Save the Children, Belgrade, 2006*.

<sup>14</sup> The sample included 545 persons, of which 20.6 per cent were of the age of up to 24 years.

<sup>15</sup> The Association of the Handicapped, 2006.

<sup>16</sup> The report on the activities of the Ministry of Education and Sports in 2006.

85. The number of the young who are included in the various forms of informal education (22 per cent) is slightly higher than the number of children of primary school age (19 per cent). Children from the most educated families (46 per cent), from the richest families (43 per cent) and children from Belgrade (31 per cent) are mostly included in additional educational programmes.

*(d) Ratio of teachers and children per class.*

86. The table below contains data on the number of teachers.

**Teachers at the primary and secondary schools**

**Regular primary schools**

		Total		Permanent employment		Temporary employment	
		Total	Females	Full-time employment	Part-time employment	Full-time employment	Part-time employment
The Republic of Serbia	2003/04	45 072	32 388	34 433	5 240	2 950	2 449
	2004/05	45 677	32 769	34 709	5 817	2 673	2 478
	2005/06	46 353	33 148	33 893	6 522	2 876	3 062

**Special primary schools**

		Total		Permanent employment		Temporary employment	
		Total	Females	Full-time employment	Part-time employment	Full-time employment	Part-time employment
The Republic of Serbia	2003/04	1 624	1 353	1 147	60	364	55
	2004/05	1 669	1 377	1 174	73	366	58
	2005/06	1 606	1 323	1 130	75	346	55

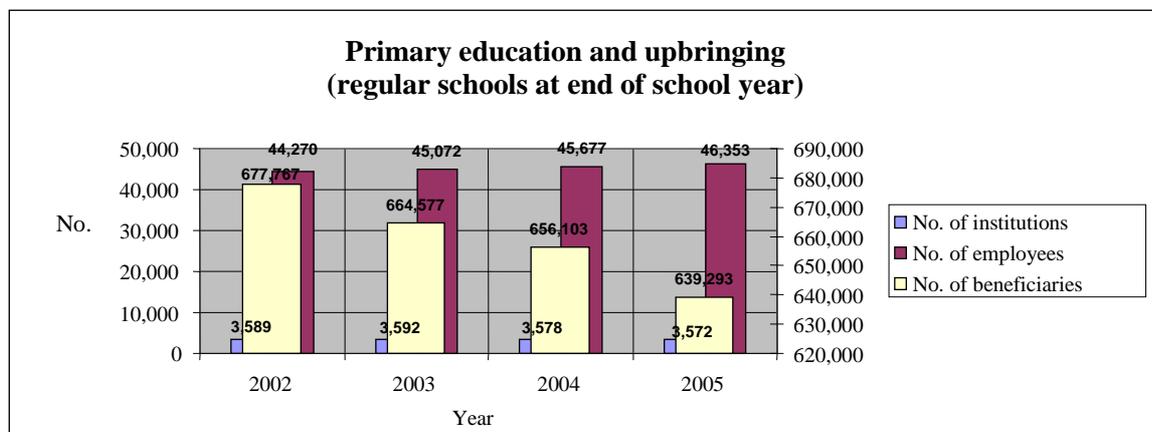
**Secondary schools, total<sup>17</sup>**

		Total		Permanent employment		Temporary employment	
		Total	Females	Full-time employment	Part-time employment	Full-time employment	Part-time employment
The Republic of Serbia	2003/04	26 859	16 488	17 442	4 362	1 874	3 181
	2004/05	27 298	16 927	17 967	4 839	1 540	2 952
	2005/06	27 565	17 288	18 033	5 176	1 554	2 905

87. According to the data of the Republic Statistical Institute, there has been a steady decline in the average number of pupils per teacher at primary schools from 18.3 in 1990/91 to 14.36 in 2005. This pupil/teacher ratio is lower in rural areas than in urban areas. Over this period, demographic changes have taken place; the number of children in Serbia has been decreasing while a greater number of teachers has been employed.

<sup>17</sup> It relates to regular, special and religious schools.

88. Within the period from 2002 to 2005 the number of the primary schools was insignificantly decreased (0.5 per cent) while the number of pupils was decreased as much as 6 per cent. However, the number of teachers within the observed period was increased by 5 per cent.



**Question 7. Regarding special measures of protection, statistical data are to be provided (including those disaggregated by sex, age and living in urban/rural areas) for the years 2005, 2006 and 2007 on:**

**(a) The number of children involved in sexual exploitation, including prostitution, pornography and trafficking;**

89. According to the data of the Ministry of the Interior, 3,743 criminal acts committed to the detriment of the underaged persons were discovered and registered in 2005. Out of this number 1,648 against children (684 females and 964 males) and 2,095 against underaged persons (713 females and 1,382 males).

- Of the group of criminal acts punishable under the Criminal Code of the Republic of Serbia, 190 which protect children and minors from sexual exploitation and trafficking have been identified and registered; 209 children and minors have been affected by these acts, of whom 111 were children (95 females and 16 males) and 98 were minors (72 females and 26 males)

*Sex and age structure and the number of persons affected by criminal acts against dignity of personality and morals (Chapter XII of the Criminal Code of the Republic of Serbia):*

- Rape, article 103, paragraph 3 - 13 in total, 5 children and 8 minors, all females
- Sexual intercourse by use of force or unnatural fornication, article 104 - 2 female minors in total
- Sexual intercourse or unnatural fornication with a helpless person, article 105 - 7 minors in total, 1 male and 6 females
- Sexual intercourse or unnatural fornication through abuse of position, article 107 - 2 female children in total

- Fornication acts, article 108 - 130 in total, 87 children (81 females and 6 males) and 43 female minors
- Unnatural fornication, article 110 - 11 in total, 1 female child and 10 minors (4 females and 6 males)
- Pimping or procuring for fornication, article 111 - 7 in total, 1 child and 6 minors, all females
- Abuse of minors for pornography, article 111 a - 4 in total, 2 children and 2 minors, all females
- Trafficking, article 116 b - 33 in total, 13 children (3 females and 10 males) and 20 minors (1 female and 19 males)

90. According to the data of the Ministry of the Interior, 3,993 criminal acts committed to the detriment of underaged persons were discovered and registered in 2006. Out of this number 1,751 were against children (764 females and 987 males) and 2,242 were against underaged persons (820 females and 1,422 males).

- Of the group of criminal acts punishable under the Criminal Code of the Republic of Serbia, 253 which protect children and minors from sexual exploitation and trafficking have been identified and registered; 258 children and minors have been affected by these acts, of whom 149 were children (125 females and 24 males) and 109 were minors (97 females and 12 males).

*Sex and age structure and the number of persons affected by criminal acts against humanity (Chapter XVIII of the Criminal Code of the Republic of Serbia):*

- Rape, article 178 - 41 in total, 10 children (6 females and 4 males) and 31 female minors
- Sexual intercourse with a helpless person, article 179 - 10 minors in total, 8 females and 2 males
- Sexual intercourse with a child, article 180 - 71 children in total, 55 females and 6 males
- Sexual intercourse through abuse of position, article 181 - 13 in total, 6 children and 7 minors, all females
- Prohibited sexual acts, article 182 - 76 in total, 48 children (42 females and 6 males) and 28 minors (24 females and 4 males)
- Pimping and procuring sexual intercourse, article 183 - 9 in total, 2 female children and 7 minors (4 females and 3 males)

- Mediation in prostitution, article 184 - 10 female minors in total
- Showing pornographic material and child pornography, article 185 - 9 children in total (5 females and 4 males)

*Sex and age structure and the number of persons affected by criminal acts against humanity and other goods protected by international law (Chapter XXXIV of the Criminal Code of the Republic of Serbia):*

- Trafficking, article 388 - 29 in total, 13 children (9 females and 4 males) and 16 minors (13 females and 3 males)

91. According to the data of the Ministry of the Interior, 4,279 criminal acts committed to the detriment of the underaged persons were discovered and registered in 2007. Out of this number 1,941 were against children (857 females and 1,084 males) and 2,338 were against underaged persons (882 females and 1,456 males):

- Of the group of criminal acts punishable under the Criminal Code of the Republic of Serbia, 253 which protect children and minors from sexual exploitation and trafficking have been identified and registered; 259 children and minors have been affected by these acts, of whom 151 were children (135 females and 16 males) and 108 were minors (94 females and 14 males).

*Sex and age structure and the number of persons affected by criminal acts against sexual freedom (Chapter XVIII of the Criminal Code of the Republic of Serbia):*

- Rape, article 178 - 53 in total, 11 female children and 42 minors (37 females and 5 males)
- Sexual intercourse with a helpless person, article 179 - 12 in total, 5 children (4 females and 1 male) and 7 minors (6 females and 1 male)
- Sexual intercourse with a child, article 180 - 72 children in total, 65 females and 7 males
- Sexual intercourse through abuse of position, article 181 - 11 in total, 4 children and 7 minors, all females
- Prohibited sexual acts, article 182 - 72 in total, 45 children (40 females and 5 males) and 27 minors (24 females and 3 males)
- Pimping and procuring sexual intercourse, article 183 - 2 in total, 1 child and 1 minor, all females
- Mediation in prostitution, article 184 - 10 in total, 2 children and 8 minors, all females
- Showing pornographic material and child pornography, article 185 - 7 children in total (6 females and 1 male)

*Sex and age structure and the number of persons affected by criminal acts against humanity and other goods protected by international law (Chapter XXXIV of the Criminal Code of the Republic of Serbia):*

- Trafficking, article 388 - 20 in total, 4 children (2 females and 2 males) and 16 minors (11 females and 5 males)

**(b) *On the number of children involved in sexual exploitation who got aid and advice;***

92. The response is provided under item 5 (c).

**(c) *On the number of children involved in child labour (formal and informal sectors);***

93. Article 12, paragraph 2, of the Labour Law of the Republic of Serbia, which was adopted in 2005, prescribes special protection for employed minors. Article 24, paragraph 1, of the same law, prescribes that it is possible to contract employment with a minor who is at least 15 years old and who fulfils other conditions for certain jobs. The fulfilment of these other conditions in respect of capabilities to perform the kind of work for which the employment is contracted, is assessed by the competent medical authority which issues a certificate that the work involved shall not affect the health of the minor. The costs are borne by the National Employment Agency where the minor has been registered as an unemployed person (article 25 of the Labour Law).

94. Article 84 of the Labour Law prescribes the work a minor may not perform under any conditions. These include jobs: (a) that require extremely hard physical activities, or work performed underground, underwater or at extreme heights; (b) where a minor is exposed to harmful radiation or poisonous agents, carcinogenic agents or to those causing congenital diseases as well as those where there is risk to his/her health due to cold, heat, noise or vibrations; and (c) which might, according to the findings by the competent health authority, risk causing harm to the health or life of the minor in view of his/her particular psychophysical capabilities.

95. Deliberate non-compliance with the legal regulations on special protection of minors at work by the employer incurs criminal responsibility (article 163 of the Criminal Law which provides for punishment, including by imprisonment of up to two years).

96. The Labour Law prescribes the conditions for the work of minors in respect of working hours and work at night. The conclusion of an employment contract with a minor is conditional upon the written approval of the parents, the adoptive parent or the custodian. If such an approval would cause harm to the health, morals or education of the minor, sanctions have been prescribed for both the employer and the parent (or the adoptive parent or custodian).

97. Within its inspection activities, the Labour Inspection of the Ministry of Labour and Social Policy, which is the competent authority for the supervision of application of regulations in the field of labour (labour relations and protection at work), has not so far encountered any cases of child labour “on the black market”, namely children working or performing seasonal jobs. This applies to children over 15 years of age who, according to the positive regulations, possess

general working capability and whose labour is within the competence of the labour inspection, in particular in the part referring to the obligation of the employer to provide special protection at work to the employed minors, namely not to engage minors to do jobs prohibited for children under article 84 of the Labour Law. According to the data of the Labour Inspection, children under 15 years of age have not been found at work at all in the last few years. According to the same data, there were 709 employed minors of between 15 and 18 years of age, found in 2006, 316 were recorded in 2007 and 53 within the period from January to March 2008, and in all these cases, the employer respected all the obligations prescribed by law.

98. The right to safety and health at work is also supervised by the labour inspectors in the case of pupils and students, working without the conclusion of an employment contract, when they are doing internship or attending practical lessons, attending professional training, pre-qualifications, performing voluntary and public works of general interest.

99. According to the data of the two representative syndicates in the Republic of Serbia (The Association of Free and Independent Syndicates and the *Nezavisnost* United Branch Syndicate), so far they have not received any requests from minor employees or their parents or custodians for help in protection of their rights.

*(d) On the number of unaccompanied minors, refugee and asylum-seeking children, internally displaced children, children of returnees as well as the number of children awaiting expulsion;*

100. The Ministry of the Interior and other State authorities do not possess any records of sex and age structure of returnees and deportees.

101. According to the data of the Office of the High Commissioner for Refugees of Serbia, the numbers of especially vulnerable categories of the population such as the children of refugees, displaced persons and asylum-seeking persons, are as follows.

**Refugee children**

102. The number of refugee children from the former Yugoslav Republic:

- In 2005 - 15,832 children, 648 at collective centres, 153 at the social welfare institutions
- In 2006 - 14,924 children, 294 at collective centres, 87 at the social welfare institutions
- In 2007 - 14,875 children, 118 at collective centres, 50 at the social welfare institutions

**Internally displaced children from Kosovo and Metohija**

- In 2005 - 57,207 children, 1,812 at collective centres
- In 2006 - 57,489 children, 1,699 at collective centres
- In 2007 - 57,633 children, 1,628 at collective centres

### Asylum-seeking children

103. Pursuant to the Law on Asylum which was adopted in 2007, asylum-seeking children, including the children of parents who seek asylum, are provided placement at the asylum centre under the competence of the Office of the High Commissioner for Refugees of Serbia.

*(e) Number of children in street situations.*

104. The Ministry of the Interior has no available precise data on children in street situations, since it is a category that has not been prescribed in detail in the law.

105. In the performance of their official duties, the police officers have found within the last five years about 800 minors with no parents, adoptive parents or custodians in streets, at crossroads, squares and in other public places, the identity of whom has not been possible to determine in full (an identity includes triple characteristics of a person: legal - name, surname, father's/mother's name, citizenship, residence; factual - day, month, year and place of birth, nationality; and physical - features, sex, personal description, fingerprints). In the majority of cases, these minors had been the victims of abuse, neglect and trafficking for the purpose of labour exploitation. In accordance with a Special Protocol on Actions by Police Officers in Protection of Minors from Abuse and Neglect, measures for temporary placement and protection of these persons was undertaken in cooperation with the social welfare institutions.

106. Children and the youth of both sexes aged from 7 to 18 years, having behaviour disorders sent by the competent social welfare centre from the entire territory, the police and the jurisdiction authorities (courts, prosecution offices) are provided with short-term, temporary and full placement at the Emergency Centre with Receiving Point seated in Belgrade. The children placed under this form of protection also include the children and the youth found wandering, begging or in similar circumstances and who need social care and support because of their current status. This service provides these children and the youth with accommodation, food, health care and hygiene; observes and diagnoses their state and behaviour and determines their identity and residence with the aim of either returning them to their natural environment (to the family or to the family of relatives) or placing them in an institution in their home municipality or returning them to their country of origin as soon as possible.

#### Number of overnights at the Emergency Centre

Year	2005	2006	2007
No. of overnights	4 483	6 241	5 163

107. In the course of 2006, the number of overnights increased by more than 35 per cent compared to 2005. However, in the course of 2007, the number of overnights decreased by 17.27 per cent reflecting a considerable decrease (73.91 per cent) in the arrival of foreign migrants.

108. As regards the number of beneficiaries in respect of age and sex, 214 boys and 66 girls aged from 7 to 14, and 89 boys and 51 girls aged from 15 to 18, in 2005, 246 boys and 49 girls aged from 7 to 14 and 174 boys and 83 girls aged from 15 to 18 in 2006, and 122 boys

and 14 girls aged from 7 to 14 and 182 boys and 73 girls aged from 15 to 18 in 2007 were placed at this centre. The number of the youth above 18 years of age placed at the Centre was negligible within the observed period.

109. The table below contains the data on the beneficiaries in respect of the territory they come from.

Year	2005		2006		2007	
Sex	M	F	M	F	M	F
Belgrade	137	55	162	62	140	23
The Central Serbia	66	38	88	35	58	31
Vojvodina	87	21	70	32	56	28
Kosovo	3	1	3	0	8	0
Montenegro	12	0	1	0	8	0
The Republic of Srpska	0	0	0	0	0	0
B&H Federation	0	0	3	0	0	3
Bulgaria	0	2	0	0	0	0
Iraq	0	0	0	0	3	0
Macedonia	0	0	3	1	0	0
Germany	0	0	0	0	1	1
Croatia	0	0	0	0	0	1
Turkey	0	0	2	0	2	0
Slovakia	0	0	0	1	0	0
Romania	0	0	1	1	0	0
Albania	0	0	92	0	30	0

110. In respect of the length of the stay at the Emergency Centre, in the course of 2005, 38 boys and 15 girls spent up to 1 day, 221 boys and 66 girls spent up to 7 days, 33 boys and 23 girls spent up to 30 days. In 2006, 82 boys and 30 girls spent up to 1 day, 220 boys and 70 girls spent up to 7 days, 94 boys and 21 girls spent up to 30 days. In 2007, 82 boys and 30 girls spent up to 1 day, 220 boys and 70 girls spent up to 7 days, 94 boys and 9 girls spent up to 30 days. It should be noted that a relatively small number of children and youths were placed at this centre for periods longer than 30 days within the observed period.

111. The project entitled “The Children in the Streets - the Damage Decrease Programme by the Young Integration Centre”, as an association of citizens from Belgrade was approved in April 2007 within the framework of the Fund for Social Innovations and the Ministry of Labour and Social Policy. This project contributes to the decrease of damage through the implementation of a “drop-in” centre (hostel) and field activities for street children from 14 to 18 years of age. The objective is to decrease physical and social damage related to high-risk behaviour on the part of these youths. The activities within this project are classified in two main groups: hostel activities and field activities. The hostel commenced its activities on 3 August 2007 in Belgrade and by 30 November 2007 had been visited by 202 children and youths aged from 4 to 26, out of whom about 65 per cent are beneficiaries of the programme aged from 14 to 18. On average, about 50 children and young persons visit the hostel daily.

**Question 8.** *The report (paras. 163-165) provides useful data in relation to juvenile crime. If available, please also provide disaggregated statistical data (including by sex, age and type of crime) for the past three years on the number of:*

- (a) *Persons under 18 who have allegedly committed a crime and were reported to the police;*
- (b) *Persons under 18 who were charged with a crime and those who were sentenced, and the type of punishment or sanctions related to offences, including length of deprivation of liberty;*

112. According to the data of the Ministry of the Interior, in the combat against juvenile delinquency, 7,596 criminal acts committed by 5,373 minors, of whom 864 children (74 female and 790 males) and 4,509 minors (244 females and 4,265 males) were discovered and registered in the course of 2005.

113. The types and the number of the criminal acts committed by minors as prescribed by the chapters of the Criminal Code of the Republic of Serbia - 7,368 in total:

*Criminal acts against life and limb, Chapter VII - 661 criminal acts in total, of which:*

- Murder, article 47 - 28 cases
- Infanticide, article 50 - 1 case
- Grievous bodily harm, article 53 - 197 cases
- Light bodily harm, article 54 - 320 cases
- Brawling, article 55 - 78 cases
- Threat by dangerous implement in brawling or quarrel, article 56 - 35 cases
- Exposure to danger, article 57 - 2 cases

*Criminal acts against freedoms and rights of man and citizen, Chapter VIII - 23 criminal acts in total, of which:*

- Coercion, article 62 - 6 cases
- Unlawful deprivation of liberty, article 63 - 7 cases
- Kidnapping, article 64 - 2 cases
- Endangerment of safety, article 67 - 8 cases

*Criminal acts against dignity of personality and morals, Chapter XII* - 50 criminal acts in total, of which:

- Rape, article 103 - 7 cases
- Sexual intercourse by force or unnatural fornication, article 104 - 1 case
- Sexual intercourse or unnatural fornication with a person under 14, article 106 - 18 cases
- Fornication, article 108 - 18 cases
- Unnatural fornication, article 110 - 6 cases

*Criminal acts against marriage and family, Chapter XIII* - 21 criminal acts in total, of which:

- Cohabiting with a minor, article 115 - 3 cases
- Abduction of a minor, article 116 - 2 cases
- Neglect and abuse of a minor, article 118 - 16 cases

*Criminal acts against property, Chapter XVI* - 6,111 criminal acts in total, of which:

- Theft, article 165 - 1,979 cases
- Grievous theft, article 166 - 2,478 cases
- Theft in robbery, article 167 - 12 cases
- Robbery, article 168 - 221 cases
- Grievous theft in robbery and robbery, article 169 - 70 cases
- Embezzlement, article 170 - 1 case
- Fraud, article 171 - 30 cases
- Minor theft, embezzlement and fraud, article 173 - 394 cases
- Vehicle stealing, article 174 - 278 cases
- Appropriation of another's object, article 175 - 1 case
- Damage of another's object, article 176 - 506 cases
- Extortion, article 180 - 72 cases

- Infringement of another's right, article 183 - 18 cases
- Concealment, article 184 - 51 cases

*Criminal acts against general safety of people and property, Chapter XVII*, 66 criminal acts in total, of which:

- Causing of general danger, article 187 - 53 cases
- Destroying and damaging public infrastructure, article 188 - 4 cases
- Destroying, damaging or removing danger warning signs, article 192 - 8 cases
- Grave offences against general safety, article 194 - 1 case

*Criminal acts against safety of public traffic, Chapter XVIII* - 173 criminal acts in total, of which:

- Endangerment of public traffic, article 195 - 105 cases
- Endangerment of traffic by dangerous acts or means, article 197 - 5 cases
- Failure to render aid to a person injured in traffic accident, article 198 - 8 cases
- Grave offences against public traffic safety, article 201 - 55 cases

*Criminal acts against public order and legal transactions, Chapter XX* - 205 criminal acts in total, of which:

- Preventing an official in discharge of duty, article 213 - 3 cases
- Dissemination of false information, article 218 - 2 cases
- Violent behaviour, article 220 - 65 cases
- Seizure and destruction of official seal and document, article 223 - 10 cases
- Impersonation, article 224 - 1 case
- Participation in a group committing an offence, article 230 - 4 cases
- Abuse of help or danger signs, article 231 - 2 cases
- Forging a document, article 233 - 62 cases
- Special cases of forging documents, article 234 - 6 cases
- Inducing to certify false content, article 235 - 2 cases

- Obstruction of performing religious services, article 240 - 1 case
- Desecration of a grave, article 241 - 47 cases

Other criminal acts committed by minors - 58 in total.

114. The types and the number of criminal acts committed by minors as prescribed by the Criminal Code - 228 in total:

*Criminal acts against constitutional order and security of the Federal Republic of Yugoslavia, Chapter XV* - 14 criminal acts in total, out of which:

- Instigating national, racial and religious hatred and intolerance, article 134 - 14 cases

*Criminal acts against other social values, Chapter XXII* - 197 criminal acts in total, of which:

- Unauthorized production, possession and circulation of narcotics, article 245 - 180 cases
- Facilitating the taking of narcotics, article 246 - 15 cases
- Mediation in prostitution, article 251 - 2 cases

Other criminal acts committed by minors - 17 in total.

115. 7,451 criminal acts committed by 4,862 minors, of whom 702 children (46 females and 656 males) and 4,160 minors (202 females and 3,958 males) were discovered and registered in the course of 2006.

116. The types and the number of the criminal acts committed by minors as prescribed by the chapters of the Criminal Code of the Republic of Serbia - 7,451 in total:

*Criminal acts against life and limb, Chapter XIII* - 603 criminal acts in total, of which:

- Murder, article 113 - 16 cases
- Grievous murder, article 114 - 4 cases
- Grievous bodily harm, article 121 - 203 cases
- Light bodily harm, article 122 - 277 cases
- Brawling, article 123 - 65 cases
- Threat by dangerous implement in brawling or quarrel, article 124 - 38 cases

*Criminal acts against freedoms and rights of man and citizen, Chapter XIV* - 21 criminal acts in total, of which:

- Unlawful deprivation of liberty, article 132 - 2 cases
- Kidnapping, article 134 - 2 cases
- Coercion, article 135 - 6 cases
- Ill-treatment and torture, article 137 - 2 cases
- Endangerment of safety, article 138 - 9 cases

*Criminal acts against sexual freedom, Chapter XVIII* - 50 criminal acts in total, of which:

- Rape, article 178 - 17 cases
- Sexual intercourse with a helpless person, article 179 - 6 cases
- Sexual intercourse with a child, article 180 - 15 cases
- Prohibited sexual acts, article 182 - 9 cases
- Pimping and procuring, article 183 - 1 case
- Mediation in prostitution, article 184 - 1 case
- Showing pornographic material and child pornography, article 185 - 1 case

*Criminal acts against marriage and family, Chapter XIX* - 24 criminal acts in total, of which:

- Abduction of a minor, article 191 - 1 case
- Domestic violence, article 194 - 22 cases
- Violation of family duty, article 196 - 1 case

*Criminal acts against property, Chapter XXI* - 5,796 criminal acts in total, of which:

- Theft, article 203 - 1,803 cases
- Grievous theft, article 204 - 2,242 cases
- Theft in robbery, article 205 - 12 cases
- Robbery, article 206 - 332 cases

- Embezzlement, article 207 - 2 cases
- Fraud, article 208 - 15 cases
- Minor theft, embezzlement and fraud, article 210 - 579 cases
- Appropriation of another's object, article 211 - 7 cases
- Destruction and damage of another's object, article 212 - 399 cases
- Unauthorized use of another's vehicle, article 213 - 308 cases
- Extortion, article 214 - 67 cases
- Blackmail, article 215 - 1 case
- Concealment, article 221 - 29 cases

*Criminal acts against human health, Chapter XXIII* - 261 criminal acts in total, of which:

- Unauthorized production, possession and circulation of narcotics, article 246 - 243 cases
- Facilitating the taking of narcotics, article 247 - 18 cases

*Criminal acts against general safety of people and property, Chapter XXV* - 71 criminal acts in total, of which:

- Causing of general danger, article 278 - 50 cases
- Destroying and damaging public infrastructure, article 279 - 17 cases
- Destroying, damaging or removing danger warning signs, article 283 - 2 cases
- Grave offences against general safety, article 288 - 2 cases

*Criminal acts against safety of public traffic, Chapter XXVI* - 211 criminal acts in total, of which:

- Endangerment of public traffic, article 289 - 99 cases
- Endangerment of traffic by dangerous acts or means, article 290 - 38 cases
- Failure to render aid to person injured in traffic accident, article 296 - 11 cases
- Grave offences against public traffic safety, article 297 - 63 cases

*Criminal acts against constitutional order and security of the Republic of Serbia and SaM, Chapter XXVIII* - 11 criminal acts in total, of which:

- Instigating national, racial and religious hatred and intolerance, article 317 - 11 cases

*Criminal acts against government authorities, Chapter XXIX* - 34 criminal acts in total, of which:

- Preventing an official in discharge of duty, article 322 - 7 cases
- Attack on an official in performance of duty, article 323 - 17 cases
- Removal and damaging of official seal and sign, article 327 - 2 cases
- Seizure and destruction of official seal and document, article 328 - 7 cases
- Vigilantism, article 330 - 1 case

*Criminal acts against public peace and order, Chapter XXXI* - 212 criminal acts in total, of which:

- Causing panic and disorder, article 343 - 4 cases
- Violent behaviour, article 344 - 90 cases
- Illegal possession of firearms and explosives, article 348 - 79 cases
- Participation in a group committing an offence, article 349 - 3 cases
- Desecration of a grave, article 354 - 36 cases

*Criminal acts against legal transactions, Chapter XXXII* - 41 criminal acts in total, of which:

- Forging a document, article 355 - 36 cases
- Special cases of forging documents, article 356 - 3 cases
- Inducing to certify false content, article 358 - 2 cases

Other criminal acts committed by minors - 116 in total.

117. 7,402 criminal acts committed by 4,592 minors, of whom 561 children (37 females and 542 males) and 4,031 minors (232 females and 3,799 males) were discovered and registered in the course of 2007.

118. The types and the number of the criminal acts committed by minors as prescribed by the chapters of the Criminal Code of the Republic of Serbia - 7,402 in total:

*Criminal acts against life and limb, Chapter XIII* - 590 criminal acts in total, of which:

- Murder, article 113 - 21 cases
- Grievous murder, article 114 - 4 cases
- Grievous bodily harm, article 121 - 208 cases
- Light bodily harm, article 122 - 255 cases
- Brawling, article 123 - 71 cases
- Threat by dangerous implement in brawling or quarrel, article 124 - 31 cases

*Criminal acts against freedoms and rights of man and citizen, Chapter XIV* - 20 criminal acts in total, of which:

- Unlawful deprivation of liberty, article 132 - 3 cases
- Coercion, article 135 - 4 cases
- Endangerment of safety, article 138 - 13 cases

*Criminal acts against sexual freedom, Chapter XVIII* - 42 criminal acts in total, of which:

- Rape, article 178 - 12 cases
- Sexual intercourse with a helpless person, article 179 - 1 case
- Sexual intercourse with a child, article 180 - 15 cases
- Prohibited sexual acts, article 182 - 10 cases
- Mediation in prostitution, article 184 - 2 cases
- Showing pornographic material and child pornography, article 185 - 2 cases

*Criminal acts against брaкa u нoпoдuцe, Chapter XIX* - 29 criminal acts in total, of which:

- Abduction of a minor, article 191 - 1 case
- Domestic violence, article 194 - 27 cases
- Violation of family duty, article 196 - 1 case

*Criminal acts against property, Chapter XXI* - 5,773 criminal acts in total, of which:

- Theft, article 203 - 1,630 cases
- Grievous theft, article 204 - 2,546 cases
- Theft in robbery, article 205 - 10 cases
- Robbery, article 206 - 382 cases
- Embezzlement, article 207 - 3 cases
- Fraud, article 208 - 7 cases
- Minor theft, embezzlement and fraud, article 210 - 476 cases
- Destruction and damage of another's object, article 212 - 298 cases
- Unauthorized use of another's vehicle, article 213 - 357 cases
- Extortion, article 214 - 38 cases
- Concealment, article 221 - 26 cases

*Criminal acts against human health, Chapter XXIII* - 218 criminal acts in total, of which:

- Unauthorized production, possession and circulation of narcotics, article 246 - 204 cases
- Facilitating the taking of narcotics, article 247 - 14 cases

*Criminal acts against general safety of people and property, Chapter XXV* - 52 criminal acts in total, of which:

- Causing of general danger, article 278 - 43 cases
- Destroying and damaging public infrastructure, article 279 - 6 cases
- Destroying, damaging or removing danger warning signs, article 283 - 2 cases
- Grave offences against general safety, article 288 - 1 case

*Criminal acts against safety of public traffic, Chapter XXVI* - 222 criminal acts in total, of which:

- Endangerment of public traffic, article 289 - 142 cases
- Endangerment of traffic by dangerous acts or means, article 290 - 7 cases

- Failure to render aid to person injured in traffic accident, article 296 - 12 cases
- Grave offences against public traffic safety, article 297 - 61 cases

*Criminal acts against constitutional order and security of the Republic of Serbia and SaM, Chapter XXVIII* - 15 criminal acts in total, of which:

- Instigating national, racial and religious hatred and intolerance, article 317 - 15 cases

*Criminal acts against government authorities, Chapter XXIX* - 40 criminal acts in total, of which:

- Preventing an official in discharge of duty, article 322 - 14 cases
- Attack on an official in performance of duty, article 323 - 25 cases
- Seizure and destruction of official seal and document, article 328 - 1 case

*Criminal acts against public peace and order, Chapter XXXI* - 281 criminal acts in total, of which:

- Causing panic and disorder, article 343 - 2 cases
- Violent behaviour, article 344 - 168 cases
- Criminal alliance, article 345 - 2 cases
- Illegal possession of firearms and explosives, article 348 - 55 cases
- Abuse of signs for help and warning signs, article 351 - 1 case
- Desecration of a grave, article 354 - 53 cases

*Criminal acts against legal transactions, Chapter XXXII* - 50 criminal acts in total, of which:

- Forging a document, article 355 - 44 cases
- Special cases of forging documents, article 356 - 2 cases
- Inducing to certify false content, article 358 - 4 cases

Other criminal acts committed by minors - 70 in total.

### Criminal charges against minors by type of criminal acts, 2001-2005

	2001		2002		2003		2004		2005	
	No.	%								
Total	3 640	100.0	3 251	100.0	2 415	100.0	3 120	100.0	2 945	100.0
Criminal acts against life and limb	289	7.9	369	11.4	310	12.8	374	12.0	402	13.7
Criminal acts against freedoms and rights of man and citizen	12	0.3	12	0.4	15	0.6	15	0.5	8	0.3
Criminal acts against dignity of personality and morals	20	0.5	39	1.2	35	1.4	29	0.9	32	1.1
Criminal acts against human health	43	1.2	67	2.1	70	2.9	150	4.8	99	3.4
Criminal acts against economy	40	1.1	55	1.7	42	1.7	49	1.6	33	1.1
Criminal acts against property	2 923	80.3	2 374	73.0	1 656	68.6	2 128	68.2	1 994	67.7
Criminal acts against safety of public traffic	128	3.5	138	4.2	84	3.5	127	4.1	112	3.8
Criminal acts against public order and legal transactions	64	1.8	93	2.9	89	3.7	112	3.6	93	3.2
Other criminal acts	11	3.3	104	3.2	114	4.7	136	4.4	172	5.8

### Convicted minors by type of criminal act, 2001-2005

#### The Republic of Serbia

	2001		2002		2003		2004		2005	
	No.	%								
Total	3 277	100.0	3 620	100.0	3 089	100.0	2 726	100.0	3 232	100.0
Criminal acts against life and limb	261	8.0	319	8.8	403	13.0	332	12.2	401	12.4
Criminal acts against freedoms and rights of man and citizen	3	0.1	1	0.0	10	0.3	10	0.4	14	0.4
Criminal acts against dignity of personality and morals	16	0.5	18	0.5	26	0.8	28	1.0	22	0.7
Criminal acts against human health	20	0.6	47	1.3	41	1.3	73	2.7	94	2.9
Criminal acts against economy	34	1.0	29	0.8	33	1.1	43	1.6	24	0.7
Criminal acts against property	2 674	81.6	2 929	80.9	2 250	72.8	1 972	72.3	2 347	72.6
Criminal acts against safety of public traffic	104	3.2	122	3.4	100	3.2	110	4.0	101	3.1
Criminal acts against public order and legal transactions	53	1.6	39	1.1	89	2.9	72	2.6	84	2.6
Other criminal acts	112	3.4	116	3.2	137	4.4	86	3.2	145	4.5

### Data on criminal charges, convictions and sentences against minors who had committed criminal acts, 2001-2005

	Total					Indexes				
	2001	2002	2003	2004	2005	2002 2001	2003 2002	2004 2004	2005 2004	2005 2001
<b>Criminal charges</b>										
The Republic of Serbia	3 640	3 251	2 415	3 120	2 945	89	74	129	94	81
The Central Serbia	2 230	2 081	1 508	1 796	1 771	93	72	119	99	79
Vojvodina	1 410	1 170	907	1 324	1 174	83	78	146	89	83
<b>Convictions</b>										
The Republic of Serbia	3 277	3 620	3 089	2 726	3 232	110	85	88	119	99
The Central Serbia	2 107	2 604	2 250	1 738	2 223	124	86	77	128	106
Vojvodina	1 170	1 016	839	988	1 009	87	83	118	102	85
<b>Sentences</b>										
The Republic of Serbia	2 398	2 322	2 080	1 983	2 234	97	90	95	113	93
The Central Serbia	1 426	1 576	1 410	1 188	1 407	111	89	84	118	99
Vojvodina	972	746	670	795	827	77	90	119	104	55

**Registered minors who had committed criminal acts, 2006**

**The Republic of Serbia**

	2006	
	No.	%
Total	3 041	100.0
Female	227	7.5
Male	2 814	92.5

**Sentenced minors, 2006**

**The Republic of Serbia**

	2006	
	No.	%
Total	1 566	100.0
Female	71	4.5
Male	1 495	95.5

**Sentenced minors by pronounced criminal sanctions, 2006**

**The Republic of Serbia**

	2006	
	No.	%
Total	1 566	100.0
Junior minors	490	31.3
Disciplinary measures	204	41.6
Enhanced supervision measures	255	52.0
Institutional measures	31	6.3
Senior minors	1 076	68.7
Prisons for minors	17	1.6
Disciplinary measures	383	35.6
Enhanced supervision measures	605	56.2
Institutional measures	71	8.1

**(c) *Detention facilities for persons under 18, and the capacity of these facilities;***

119. In the territory of the Republic of Serbia there is only one penitentiary institution for persons under 18, the Penitentiary-Correctional Institution in Kruševac, where penitentiary measures are taken. The maximum capacity of this facility is 300 minors.

**(d) *Persons under 18 detained in these facilities and persons under 18 detained in adult facilities;***

120. There were 170 minors at the Penitentiary-Correctional Institute in Kruševac on 30 April 2008.

121. The number of persons under 18 detained in facilities for adults (they do not service their sentences there) varies from 20 to 25 in all the Republic of Serbia. There were 23 minors detained at these facilities on 30 April 2008.

**(e) *Persons under 18 kept in pretrial detention and the average length of their detention;***

122. There are no detained minors at the Penitentiary Institution in Kruševac for this institution has no detention. There were 23 minors detained on 30 April 2008.

**(f) *Reported cases of abuse and maltreatment of persons under 18 that occurred during their arrest and detention;***

123. The Directorate for the Enforcement of Prison Sanctions of the Ministry of Justice has no available data on cases of abuse and torture of minors.

**(g) *Persons under 18 who were tried and sentenced as adults;***

124. In the Republic of Serbia, there are no persons under 18 who were tried and sentenced as adults. A minor may be imposed a penitentiary measure of being sent to the penitentiary institution or a minor prison sentence, which cannot be longer than 10 years.

**(h) *Persons under 18 in diversion programmes;***

125. All minors at the Penitentiary-Correctional Institute in Kruševac take part in some kind of training programmes, education and corrective training with the aim of facilitating their social integration into the community. The education and training programmes at this institution include 25 professions and attainment of certificates at the schools located in Kruševac. Practical training for certain professions is carried out at the manufacturing plants within this institution and it includes the manufacture of brass articles, in return for adequate pecuniary compensation. The practical training and teaching for the remaining professions is arranged at certain secondary schools in Kruševac and other places (external teaching and exams).

**(i) *Persons under 18 who have served their sentence, were released and are involved in social integration programmes;***

126. The Directorate for the Enforcement of Prison Sanctions of the Ministry of Justice has no available data on the number of persons under 18, who were included in special programmes after having served their sentences, since the Directorate has no competence in respect of the acceptance of minors after their sentences have been served. Such programmes fall under the competence of the social welfare centres.

**Question 9.** *It should be indicated why the data for the territory of the Autonomous Province of Vojvodina (AP) are, in some cases, excluded from other information provided in the report.*

127. In some cases the data for the territory of AP of Vojvodina are excluded from other information provided in the initial report because separate statistical records are kept in some fields, which relate to AP of Vojvodina.

128. Should the Committee request these data as well, separate data for AP of Vojvodina may be subsequently submitted.

## **B. General implementation measures**

**Question 10.** *Additional information should be provided on the measures being undertaken to improve the system of various data collection related to children and on the initial experience with the ChildInfo system and Devinfo database mentioned in the report.*

129. DevInfo (ChildInfo - former name) is a programme package, which was promoted in 2004 in cooperation with the Government of the Republic of Serbia and UNICEF, as a computer programme providing data exchange among numerous users. It serves for monitoring the implementation of the five multilateral strategies: Millennium Development Goals, Children National Action Plan, World at Child Measure, World Child Summit and Strategy for Poverty Decrease in the Republic of Serbia.

130. DevInfo database, which has been maintained by the Republic Statistical Institute since 2007, is updated twice a year, each April and October. The latest version of this database contains 320 indicators, which are classified in 11 sectors within the above-mentioned strategies.

131. Since DevInfo is at its initial application stage as a special computing programme, it is still early to make a definitive evaluation of its achievements, although the experience to date has been positive.

**2. It should be indicated whether it is believed that the existing national legislation system is fully in accordance with the provisions of the Convention or whether there are plans for the examination of the compatibility of the national legislation with the Convention and, if appropriate, for the adoption of legal amendments or for the adoption of new laws and or regulations to further implement the rights guaranteed in the Convention.**

132. The 2006 Constitution of the Republic of Serbia precisely defines the position of international treaties in the hierarchy of the national legal system. Pursuant to article 16, paragraph 2, of the Constitution, the ratified international treaties are an integral part of the legal system of the Republic of Serbia and they must be in accordance with the Constitution, whereas pursuant to article 195, paragraph 5, of the Constitution, laws and other general acts adopted in the Republic of Serbia must not be in contradiction with the ratified international treaties. The above mentioned constitutional provisions mean that the ratified international treaties in the hierarchy of the legal system of the Republic of Serbia are superior in relation to the laws and

other general acts. Moreover, article 18, paragraph 2, of the Constitution stipulates that the Constitution guarantees that the human and minority rights guaranteed in the ratified international treaties are directly applied. The specified constitutional provision means that the provisions of the international treaties that guarantee human and minority rights, including the Convention as well, have the same legal effect as the provisions of the Constitution. According to the explicit provision of article 167, paragraph 1, of the Constitution, the Constitutional Court of the Republic of Serbia decides on the compatibility of laws and other general acts with the ratified international treaties.

133. The laws of the Republic of Serbia adopted in various fields of social life are in compliance with the Convention, whereas special attention has been paid to the Convention on the occasion of recent legal reforms. Special attention is also paid to the Convention on the occasion of the preparation of new legal solutions.

134. The existing national legislation in the field of education is fully in accordance with the provisions of the Convention on the Rights of the Child. The Law on the Basis of Educational and Upbringing System, which was adopted in 2003 and supplemented in 2004, as the system law related to preschool, primary and secondary education, implements the Convention in full. The chapters and articles of this Law implement the standards of the Convention in full, as they relate to the goals and tasks of education and upbringing, the right to education and upbringing, use of language, educational programmes, network of institutions, responsibility of institutions for safety of children and pupils, prohibition of discrimination and party association, the right to free education, the rights of the child and pupils, responsibility of pupils, the pupils' parliament, disciplinary procedure against an employee for minor and grievous violations of duties at work.

135. The compliance with the standards of the Convention has been expressed in particular on the occasion of the adoption of the new Family Law, which had been brought into accordance with the trends of the present age and the requirements the Republic of Serbia faces in the process of international integration. The Family Law was adopted in 2006 and its basic purpose is the incorporation of modern solutions to provide conditions for the effective protection of the rights of the child. In the enforcement of the Family Law, in addition to the Convention on the Rights of the Child, special attention is also paid to the provisions of other international agreements such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Hague Convention on Protection of Children and Co-operation in cases of Inter-Country Adoption, etc. The international standards have been incorporated through a series of instruments of the new Family Law - respect for family life, the right of the child to live with the parents, the right of the child to know who his/her parents are, equal rights of an adopted child, the right of the child to review the registry books after the age of 15, etc.

136. In accordance with its dedication to respect international standards in the field of human rights, as well as to carry out a radical reform of its legislation, the Government of the Republic of Serbia had proposed, and the National Parliament adopted, the Law on Minor Offenders of Criminal Acts and Criminal and Legal Protection of Minors. With the adoption of this modern law, Serbian legislation fully respects the human rights standards proclaimed in international treaties, such as the Universal Declaration of Human Rights, the Convention on the Rights of the Child and the European Convention on Human Rights. This Law sets out new standards in the field of juvenile jurisdiction and stipulates specialized training of all participants in the

procedures against minors. This Law reflects the fact that Serbia, as a member of the United Nations and the Council of Europe, fulfils its obligations that relate to the respect for the rule of law and the strengthening of the relevant institutions enforcing the law. The special importance of this Law is that it reflects the overall and institutionally regulated position of minors - offenders of criminal acts, and in the regulation of the issue of attitudes towards children who are victims of criminal acts. The law does not only prescribe this important field in an adequate manner but it also adopts a modern concept of the position of minors in the procedure. The standards prescribed in the law require education of judges, prosecutors, attorneys-at-law and policemen, who work with minors. The Law prescribes that all the participants in the procedures against minor offenders of criminal acts must act in the best interest of the minor, and to this end introduces specialized training for those involved in such procedures, including judges, prosecutors, attorneys-at-law and policemen. The importance given to the procedures with the minor offenders of criminal acts is also evidenced by the fact that the law prescribes the competence of district courts and district prosecuting offices as the courts of first instance in these cases. In this way it is assured that senior judges and prosecutors with long working experience conduct these cases of great social importance. Also, an easier unification of the case law and actions in these important cases is provided.

137. Minors who are victims of criminal acts committed by adults is the second category prescribed by this Law which specifies a list of 27 criminal acts such as: rape, pornographic materials portraying minors, child trafficking, pimping and other criminal acts. The law prescribes that the competence of courts and prosecution offices remains the same in these cases - municipal or district courts as first instance courts, but it also requires that judges, prosecutors, attorneys-at-law and policemen who participate in the procedure are specially trained. It has been perceived that the system does not adequately protect the victims of criminal acts from additional victimization nor does it ensure that the victims of criminal acts do not suffer additional trauma. This is especially evident in the procedures towards minor victims, since before the law was adopted, the application of insufficient general rules had caused additional trauma to minor victims. For example, there had been cases where minor victims had been interrogated as many as nine times; the Law prohibits a minor victim from being interrogated more than twice. Furthermore, the Law requires that the participants in these procedures acquire, through training, the necessary specialized knowledge and assume the obligation to take special care of minor victims of a criminal act when conducting the procedure. Also, as a result of their specialized training, the participants in the procedures follow the standards that had been specified in international conventions on the protection of child victims.

138. In order to guarantee the right of the child to association, the right to register children immediately after birth and the right to a name, the Ministry of State Administration and Local Self-government is in the process of preparing the law regulating the freedom of association and the area of registry books. The Ministry is also analysing the possibilities of further implementing the rights guaranteed by the Convention on the Rights of the Child. Accordingly, a draft law on associations has been prepared and the proposal finalized by the Government on 11 October 2007 and forwarded to the Parliament for adoption. To comply with article 15, paragraph 1 of the Convention on the Rights of the Child, which prescribes that States are to recognize the right of the child to free association and gathering, the draft law provides a new item to the effect that a minor may also establish an association after 14 years of age, on the condition that he/she has obtained a written statement of approval by his/her legal representative

in accordance with the law. Also, the proposed law prescribes that any natural person may, under equal conditions defined by the statute, become a member of an association, and a natural person may be a member of an association regardless of his/her age, pursuant to the law and the statute. In this case, it is prescribed that a statement of admission of membership in an association for a minor up to 14 years of age is provided by his/her legal representative in accordance with the law. In the case of a minor over 14 years of age, this statement is given by the minor himself, together with the certified written approval of his/her legal representative according to the law. This provision took into account the fact that in the legal system of the Republic of Serbia, some regulations provide that upon attaining 14 years of age, a minor acquires certain rights and responsibilities. Likewise, the request that a minor may appear as the founder or as a member of an association only with the certified written statement of approval by his/her legal representative has brought the proposed legal solution into accordance with the provisions of the Convention on the Rights of the Child, dedicated to the prohibition of child abuse.

139. The draft of the Law on registry books, which has been in the process of public discussions, has been brought into accordance with article 7 of the Convention on the Rights of the Child. In this sense, the draft law introduces certain improvements in the existing Law on Registry Books, which relate to the entry of the facts of birth and personal name in the registry books of births.

**3. The information on the cases, if any, when the national courts directly referred to the Convention, should be mentioned and the examples of such cases specified.**

140. There are no available data.

**4. The Report draws attention to the establishment of the National Council on the Rights of the Child and says that the Council had prepared the National Action Plan for Children in 2004. The information on the mandate of the Council should be provided, including its role in coordination and monitoring of the implementation of the Convention, as well as the information on financial and human resources available to it.**

141. The Council on the Rights of the Child of the Republic of Serbia was established by Government decision of 16 May 2002. The mandate and the role of the Council are:

- To propose coherent and holistic policy for children in accordance with the Convention on the Rights of the Child and with the priorities established by the United Nations Millennium Development Goals, the General Assembly Declaration on “A World Fit for Children” and other relevant international documents
- To propose measures to harmonize the policy of the Republic of Serbia with the legislation of the European Union and international standards in the field of protection of the rights of the child
- To raise awareness on the rights of the child in Serbia, particularly stressing the right of the child to protection against all forms of abuse, neglect, exploitation as well as of the right of the child to inclusive education

- To promote the participation of children in the definition and application of the policy regarding the protection of their rights
- To analyse the effects of measures undertaken by adequate government bodies/authorities in relation to the protection of children, the young, families with children and expecting children
- To monitor the application and protection of the rights of the child in Serbia

142. The financial resources for the programme activities of the Council have been provided within the budgets of the related ministries (the Ministry of Health, the Ministry of Education, the Ministry of Labour and Social Policy, the Ministry of the Interior, the Ministry of Justice, the Ministry of Culture) and the related republic institution (the Republic Statistical Institute). They have partly been provided from the donations of the international organizations (UNICEF, Save the Children, Canadian International Development Agency). The amount of RSD 12 million (about EUR 140,000) has been allocated from the budget of the Republic of Serbia for the activities of the Council related to the implementation of the Local Action Plans for Children and the preparation of the Strategy for the Prevention and Protection of Children Against Violence in 2008.

143. The activities of the Council on the Rights of the Child, including the costs of the associate expert and the secretary, have been financially supported by the Norwegian Save the Children.

144. Encouraged by the recommendations of the United Nations Secretary-General's Study on Violence Against Children and the goal of the Council of Europe programme entitled We Build Europe for and with Children, the Council of the Right of the Children of the Republic of Serbia in cooperation with the Ministry of Labour and Social Policy and the Ministry of Foreign Affairs and under the support of the Norwegian Save the Children regional office for South-East Europe and UNICEF, held the Conference on Protection of Children from all Forms of Violence in South-East Europe in Belgrade on 18 and 19 October 2007.

145. The Conference was held as one of the manifestations within the chairmanship of Serbia of the Committee of Ministers of the Council of Europe at the time when the member States of the Council of Europe were in the process of ratification of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, also at the time when the national strategies of protection of children against violence were being established in Serbia as well as in other countries of South-East Europe.

146. The main goal of this conference was to contribute to the development of more efficient national mechanisms for the implementation of the right of every child to childhood without violence through the exchange of experience between the States of South-East Europe.

147. At the Conference, members and representatives of governmental bodies for the protection of the rights of a child, from the region, presented their national policy and strategies, current instruments and mechanisms for the protection of children and the methods by which the children may have access to them.

148. The conference was attended by 113 participants, 12 from abroad (Albania, Bosnia and Herzegovina, Bulgaria, Macedonia, Montenegro, the Council of Europe) and 100 from Serbia.

149. The common activities and the dialogue at this conference enabled the achievement of compliance on the following most important strategic axes for future efforts to establish efficient systems for protection of children against violence: (a) to harmonize the national legislation with the relevant international standards on the protection of children; (b) to sensitize the citizens in a systematic and continuous way to respect human rights and the rights of a child in particular; to nourish the culture of non-violence, especially among the children and the youth; (c) to provide citizens, especially children, with information on how to recognize violence and whom to contact for help through the media, publications, round tables, etc.; (d) to strengthen the role and the responsibility of local community in the protection of children; (e) to develop inter-sector cooperation in the network for the protection of children; (f) to improve knowledge and qualifications of the experts in order to prevent, combat and protect against violence; (g) to establish the system of records and database on the phenomena important for the prevention and protection against violence; and (h) to encourage research related to the occurrence of violence.

150. The Government of the Republic of Serbia established the Agency of Human and Minority Rights in 2006, the task of which is to monitor the harmonization of the domestic regulations with the international treaties and other international legal agreements on human rights. This Agency prepares reports for the Government on the implementation of the international treaties on human rights as well as documents to supervise, direct and coordinate the activities of the ministries in order to bring national regulations in accordance with international treaties and other international legal documents on the protection of human rights.

**5. Provide information on the status of implementation of the National Action Plan for Children adopted in 2004. Indicate whether the Action Plan takes into account the objectives and goals of the outcome document entitled “A World Fit for Children” of the General Assembly special session on children held in 2002.**

151. The National Action Plan for Children was adopted by the Government of the Republic of Serbia on 24 February 2004. This document had been prepared by the Council on the Rights of the Child. This Plan is a strategic document which defines the general policy of the country with respect to children for the period up to 2015. Through the National Action Plan for Children, the Government of the Republic of Serbia will fulfil its international obligations arising from its ratification of the Convention on the Rights of the Child and its acceptance of other instruments of the United Nations, such as the United Nations Millennium Development Goals and “A World Fit for Children”. Based on the definition of a child in the Convention on the Rights of the Child that “a child is every human being below the age of 18 years”, the National Action Plan for Children fully respects the four basic principles of the Convention: non-discrimination, best interests of the child, right to life, survival and development and participation of children. The priorities of the National Action Plan were defined based on the goals for the protection of the rights of the child, as set out in the above-mentioned international documents, as well as the evaluation by the Council on the Rights of the Child of the position of children in Serbian society. These priorities are: (a) decrease children’s poverty; (b) quality education for all children; (c) better health for all children; (d) improvement of the position and the rights of

disabled children; (e) protection of the rights of children with no parental custody; (f) protection of children against abuse, neglect, exploitation and violence; and (g) strengthening of the country's capacities to resolve the problems of children.

152. The Council on the Rights of the Child has formulated the structure of the National Action Plan taking into account the basic principles of "A World Fit for Children", as well as the current problems faced by children in Serbia. On one hand, these problems relate to the poverty endured by a large number of children, which is of a long-term nature affecting the quality of those children's lives, and which also has negative consequences for numerous special rights of the child. In this context the importance of quality education should be stressed as education is one of the most essential and strongest strings for the social integration of the young as it serves as a mechanism for breaking the chain of transgenerational transmission of poverty and social marginalization. The provision of health insurance to the entire population of children is of equal importance.

153. On the other hand, the Action Plan addresses the problems of protection of those groups of children and those rights of the child that are particularly affected by social conditions in the Republic of Serbia. These include the rights of disabled children and the rights of children with no parental custody, where the existing approaches for their protection must be redefined and harmonized with emphasis on the principle of the welfare of the child, as well as the protection of children against abuse, neglect and violence. The third criterion in defining the components of the Action Plan was the degree of the feasibility of the goals. Some State institutions (the line ministries in the first place) included in the work programme of the Action Plan those items considered realistically feasible which fell under their competence. Based on the Action Plan, the Government adopted the General Protocol on Protection of Children against Abuse and Neglect in 2005. In the course of 2004 the implementation of the local action plans for children in the local environments (municipalities) in Serbia was initiated. These local action plans are based on "A World Fit for Children" and the National Action Plan for Children. It should be noted that the local action plans for children take account of the specific characteristics and environment of those municipalities in which they live. Within the period from 2004 to March 2008, 19 local action plans for children were adopted in the Republic of Serbia by the following local self-governments: Kragujevac, Sjenica, Pirot, Senta, Kanjiža, Bečej, Valjevo, Osečina, Ljubovija, Priboj, Prijepolje, Nova Varoš, Kruševac, Prokuplje, Bela Palanka, Vladičin Han, Bojnik, Lebane and Vranje. Local action plans for children have also been prepared in another two municipalities, and it is expected that they will be adopted by the municipal authorities of Kraljevo and Novi Pazar shortly.

#### **6. Provide information on the funding allocated and the measures taken to implement the Action Plan for the Roma Education Improvement adopted in 2005.**

154. The General Action Plan for the Improvement of the Education of the Roma has been prepared on the basis of the Draft Strategy for the Roma Integration and the Proposal of the Strategy for Improvement of the Roma Education and coordinated by the Secretariat for the Roma National Strategy of the Agency of Human and Minority Rights. The representatives of all the departments of the Ministry of Education, the National Council of the Roma National Minority (which is the main stakeholder of the cultural autonomy of the Roma minority), the associations of citizens and the international organizations dealing with the improvement of the Roma situation and an expert in education of the Faculty of Philosophy also participated.

The Government of the Republic of Serbia adopted the General Action Plan for the Improvement of the Education of the Roma together with the action plans for the improvement of the position of the Roma in the fields of housing, health and employment on 27 January 2005. The action plans in these fields of social life should improve the position of the Roma in accordance with the Draft Strategy for the Roma Integration.

155. Bearing in mind the spread of ethnic mimicry among the Roma, the General Action Plan for the Improvement of the Education of the Roma is not based on the official statistical data on the number of Roma but rather on the assumption, derived from existing research, that there are about 450,000 Roma in Serbia.

156. Under the initiative of the Secretariat for the Roma National Strategy of the Agency of Human and Minority Rights, the Ministry of Education established the Working Group for the implementation of the General Action Plan for the Improvement of the Education of the Roma in 2006, whose main tasks were to define the annual priorities, and the budget required for its implementation and follow-up methods. However, the activities of this Working Group have been discontinued because of the constant management changes within this Ministry.

157. The Action Plan for the Improvement of the Education of the Roma is implemented through the following activities:

- Inclusion of the largest possible number of the Roma in the system of education (in preschool, primary, secondary and university education)
- Provision of good quality educational programmes
- Implementation of the programmes supporting respect for diversities
- Implementation of the programmes promoting multicultural values
- Nourishment of the cultural identity of the Roma by vocational and optional activities at the institutions

158. The concrete activities of the Action Plan include the implementation of the following measures:

- Provision of regulations on inclusion of the Roma in the educational system for the longest possible time (by application of affirmative action)
- Sensitizing the professional public and wider community to the educational needs of the Roma
- Preparation of educational institutions for the inclusion of the Roma under the support of the Ministry of Education and the local community
- Provision and professional training of the personnel to work with Roma children

- Development of a friendly environment at educational institutions, based on respect for diversities and multicultural
- Development of curricula and out-of-school activities in accordance with the educational needs of the Roma children and youths
- Inclusion of the Roma language as a teaching subject as well as the elements of their national culture (as an optional subject)

159. Within the period 2005 to 2008, the following measures/programmes/projects were implemented, as foreseen by the General Action Plan.

160. *Measures of affirmative action to enrol pupils in secondary schools and students at higher schools and faculties*, established by the Republic of Serbia, were implemented in 2007 in cooperation with the Secretariat of the Roma National Strategy of the Agency of Human and Minority Rights and the Ministry of Education. The measures of affirmative action in favour of the Roma national minority have been applied since the school year 2003/04. In addition, these measures have been stipulated by the General Action Plan, and are also in accordance with article 4, paragraph 2 of the Law on Protection of the Rights and Freedoms of National Minorities, which prescribes the obligation of the State authorities to apply the measures aimed to improve the position of persons who belong to the Roma national minority. They are also in accordance with article 4 of the Council of Europe Framework Convention for the Protection of National Minorities, which prescribes the obligation of the member States to undertake measures for the improvement of full and effective equality of the members of the national minorities.

161. The criteria and the methods have been defined in the last four years, in cooperation with the Ministry of Education and Sports of the Government of the Republic of Serbia, the Agency of Human and Minority Rights and the National Council of the Roma National Minority.

162. The enrolment of the pupils of the Roma national minority in secondary schools for the school year 2006/07 and 2007/08 was conducted in accordance with the Rules on Enrolment of Pupils in Secondary Schools (The Official Bulletin of RS, Nos. 45/04 and 23/05) and the Competition on Enrolment of Pupils in Secondary Schools.

163. A pupil of the Roma nationality could be considered as having an adequate educational profile if the total number of points he/she had obtained on all grounds necessary for the enrolment in secondary schools was no more than 30 points less than the mean value of points required for a certain educational profile at the relevant school. Only one pupil of the Roma national minority may be assigned to one educational profile at one school, who is being enrolled according to the measures of affirmative action. If several pupils of the Roma nationality applied for the enrolment in the same profile at one school, the pupil who had obtained the most points is given the advantage.

164. By the application of the measure of affirmative action, 185 pupils were enrolled in secondary schools in the school year 2007/08.

165. The criteria for enrolment in a faculty were that the pupil pass an entrance exam (obtaining the minimum knowledge requirement) and that he/she was enrolled for the first time in the first year of main studies. In the school year 2007/08, 107 students, all of which budget students, were enrolled according to these criteria.

166. In previous years, the number of enrolled pupils was as follows: 68 pupils were in secondary schools in 2005, 89 pupils in secondary schools in 2006, and 95 at higher schools and faculties.

167. The number of boys and girls who were enrolled by applying the measures of affirmative action in all years and at both levels of education was nearly the same.

168. As regards the enrolment policy in the first class of primary schools, the application of professional instructions to accept pupils and test their readiness to attend school have started to be applied.

169. The school subject entitled “The Roma language with elements of national culture” has been taught in Vojvodina at 42 schools and 1,266 children attend it. The curriculum for the first four classes of primary school has been prepared in cooperation with the National Council of the Roma National Minority and 68 pupils were enrolled in secondary schools.

170. The team of the Strategy for the Decrease of Poverty<sup>18</sup> initiated the introduction into the system of specific measures for the support to education of poor children. These measures involve the provision of budget funds to: cover the costs of stay of poor children at preschool institutions, free-of-charge books for preparatory preschool programme, primary and secondary school for poor children, free-of-charge healthy meals for poor children at preschool institutions and primary schools, as well as to provide scholarships for poor children from fifth to eighth class and the establishment of the Fund to support education of poor children at secondary schools.

171. In 2007, the Ministry of Education, in cooperation with the mission of OSCE and under the support of the EU implemented the project entitled “Introduction of Assistants to Support Education of the Roma”. Out of 167 applying candidates, 54 were selected, who attended training of 10 days. Upon the completion of the training, 28 of those selected were engaged at schools. The project of OSCE covered the costs of the preparation of the training programme and the training of assistants, of experts engaged to implement the project, as well as of the media campaign, whereas the Ministry of Education was to pay the fees of the engaged assistants.

172. Also, through the cooperation with OSCE, the Ministry of Education implemented the project entitled “Development of School Administration Capacities to Implement Local Action Plans for the Improvement of Education of the Roma”. Sixteen education advisers from 16 school administrations were trained to monitor the projects for the improvement of education of the Roma.

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<sup>18</sup> The Third National Conference on Poverty Reduction in Serbia, held on 29 November 2007.

173. In addition, the Ministry of Education provided donation funds for emergency actions, engaged its own experts within the work groups to accept returnees, supported the programmes of professional training (active learning/teaching-adjusted methodology for the work with disabled children) and linked its programme activities with the local self-governments through the local Roma representatives.

174. In 16 municipalities in Serbia, the projects to support the complete inclusion of the Roma children in the preparatory preschool programme are being implemented. These projects are implemented by preschool institutions, local self-governments and associations of the Roma nationality. The basic elements of these projects are the establishment of cooperation between all institutions at the local level. It is foreseen that the projects will give support to the Roma parents and the community, with the aim that they participate more actively in the area of education of their children and that their trust in the educational system is regained. The work with parents from the majority population has also been foreseen (as regards the issues of education of the Roma and the decrease of discrimination and prejudices). Progress in quality of educational activities with children from different social-cultural environments shall be achieved through numerous forms of training for teachers from preschool institutions, the local Roma coordinators and the representatives of the municipal governments. The projects support the enrolment and regular participation of the Roma children in a six-month preparatory preschool programme. The children are enrolled in inclusive groups.

175. During the entire project, the Roma coordinators also work continuously on the inclusion of parents and mediation between preschool/school institutions and families. . A project having the same goals and similar activities has also been implemented by UNICEF in another 10 municipalities in Serbia, in cooperation with the Ministry of Education and the Agency of Human and Minority Rights of the Government of the Republic of Serbia. The Ministry of Education supports many projects aimed at improving the education of the Roma, in accordance with the General Action Plan for the Improvement of the Education of the Roma. Thus, for example, the Centre for the Rights of Minorities as an association of citizens, under the support of the Ministry of Education and the Roma Educational Fund from Budapest (hereinafter referred to as REF), has been implementing the project entitled “Protection of the Roma Children against Discrimination”. The aim of this project is to promote desegregation and prevent discrimination against Roma children within the educational system of Serbia. The activities that have been implemented within this project include the strengthening of the capacities of the Roma organizations and educational inspectors to provide support to the Roma children and monitor discrimination. In the case of the five primary schools, where classrooms had been formed with only Roma children (*10. oktobar* in Horgoš; *Žarko Zrenjanin* in Apatin; *Jožef Atila* in Bogojevac; *Temerkinj Ištvan* in Tornjoš; and *Branko Radičević* in Bujanovac), the participants in this project have prepared the programmes of desegregation in cooperation with the Ministry of Education and the mentioned primary schools, which are now being implemented.

176. Within the project entitled “Functional Primary Education of the Adult Roma”, a special approach has been developed in the work with the adult Roma, which is focused not only on the attainment of literacy, but also on the attainment of important intellectual skills, basics of

entrepreneurship and attainment of certain professional qualifications. Two hundred and seventy five Romas from 15 to 35 years of age were included in the project, in 11 experimental classes in 8 towns. After two years of financing by REF, it was proposed to finance this project from the funds of the National Investment Plan.

177. The School of the Roma Language and Culture at the University of Novi Sad initiated in 2007 the project entitled “Building of the Roma Intellectual Elite at the University of Novi Sad”, organized in parallel with the Female Studies and two Roma students’ associations. The goals of this project are to increase motivation of the Roma students to study through the method of mentorship; investigation of the employment possibilities of the graduated Roma students; provision of a curriculum for the future academic studies at the Faculty of Philosophy within the framework of a special educational unit.

178. The course entitled “Introduction to the Studies of the Roma Language and Culture” was maintained on the list of optional subjects in the school year 2007/08 at the Faculty of Philosophy, Department of Journalism of the University of Novi Sad. In the school year 2007/08, funds continued to be provided partly by the Open Society Fund and the Secretariat of Education of AP of Vojvodina.

179. The Province Secretariat of Education and Culture, the Council for the Integration of the Roma of Vojvodina and the Association of the Roma students have been implementing the project for the inclusion of the Roma children in secondary schools. The aim of this project is to increase the enrolment of Roma children and the number who finish four years’ secondary education, as well as to raise their level of school achievements and their motivation to continue education. The project provides financial and mentor support to the Roma pupils at secondary schools in the territory of Vojvodina.

180. The project aimed at facilitating the access of Roma children to secondary school and the improvement of the results of secondary school attendance has been implemented in Niš. Data processed by this project will include information about Roma pupils in Niš and Belgrade - regularity of school attendance, rate of school leaving, estimations of achievements of the Roma pupils and potentials for further education and professional development. The project has been implemented by 15 schools and 2 associations of citizens.

181. It is important to mention that, in addition to the above-mentioned measures/programmes/projects, which are being implemented in accordance with the General Action Plan, the basic problems faced by the members of the Roma national minority in the Republic of Serbia are also recognized in the series of strategic documents adopted by the Republic of Serbia. These documents include the National Strategy of Serbia for the Accession to the European Union, the National Action Plan for Children, SSS - the Strategy of the Ministry of Education and Sports, wherein these issues are even included in the list of priorities. Furthermore, some local self-governments have adopted the Local Strategies and/or Local Action Plans for Improvement of Education of the Roma (Subotica, Valjevo, Kragijevac, Pirot and Niš). Also, within the framework of the Local Action Plan for Children, which was adopted at many municipalities, the improvement of the education of the Roma, particularly at primary and secondary schools is mentioned as one of the priorities.

**7. Provide information on the resources made available to the Ombudsman's deputy for the rights of the child, and to the municipal Ombudsman for children referred to in the report. Indicate whether the institution of the Ombudsman has helped to resolve disputes and settle complaints relating to children's rights. Provide also information on the status of the draft law on a special Ombudsman for children.**

182. The Ombudsman is an independent and self-acting State body introduced into the legal system of the Republic of Serbia in 2005 by the Law on the Ombudsman, which is also prescribed by the Constitution of Serbia dated 2006. (Part V - constitution of power, section 5. The Ombudsman, article 138.)

183. The Republic of Serbia decided to have the concept of a national parliamentary ombudsman with general jurisdiction. The Ombudsman was elected at the session of the National Parliament of the Republic of Serbia held on 29 June 2007 and acceded to office on 23 July 2007 by swearing an oath before the members of the Parliament.

184. The above-mentioned law prescribes that the Ombudsman has four deputies who help him/her in the performance of the tasks stipulated by this law, within the powers to be transferred to them by the Ombudsman. The law prescribes that the Ombudsman has to assign certain fields of specialization to his/her deputies, when transferring the powers to them, in particular in relation to the protection of the rights of the persons who have been deprived of liberty, gender equality, the rights of the child, the rights of members of national minorities and the rights of handicapped persons. Although the Ombudsman proposed candidates for his deputies, one of whom is specialized in the rights of the child, to the National Parliament, pursuant to the law and in due time, within three months from the date of his access to the office on 18 October 2007, unfortunately, the National Parliament had not considered this proposal by the date the responses to the additional questions by the Committee on the Rights of the Child were submitted.

185. The President of the Republic of Serbia, pursuant to the proposal of the Government, dissolved the National Parliament on 13 March 2008, postponing the election of the deputies of the Ombudsman.

186. The expert services of the Ombudsman commenced on 24 December 2007, at a temporary address, as soon as the minimum conditions for the activities in respect of space, funds and other conditions were provided.

187. Within the expert services, a special department in charge of gender equality, the rights of the child and the rights of handicapped persons was established within the sector acting in respect of complaints. A special group within this department acts in response to complaints concerning violations of the rights of the child, especially as regards violations against children, controls the activities of the administration authorities for the protection of the rights of the child, initiates measures for the improvement of the activities of the administration in the field of rights of the child, proposes the dismissal of officials responsible for the violation of the rights of the child and initiates disciplinary actions against employees who had committed direct violations and prepares applications to the competent authorities in order to initiate penalty actions. Also, this department, in cooperation with other sectors, initiates and prepares the activities to adopt or amend laws, by-laws and other regulations, which are of importance for the protection of the

rights of the child. It also monitors the status of regulations in view of the rights of the child, collects and classifies the e-data on the status of the protection of the rights of the child, which are entered into the annual report of the Ombudsman as well as special reports related to specific issues of the rights of the child.

188. Due to the temporary lack of adequate premises, the Ombudsman is unable to employ personnel for all the positions prescribed by the Rules on Internal Organization and Systematization. Thus, the expert service of the Ombudsman does not yet operate at full capacity.

189. The budget of the Ombudsman allocates the amount of RSD 92,247,657.00 in total in 2008, which is in accordance with the requirements of the financial plan for 2008 submitted by the Ombudsman to the Ministry of Finance for adoption. In the budget of the Republic of Serbia allocated for the activities of the Ombudsman, no special resources had been identified for the fields that are dealt with by the deputies, although they would be available for activities planned and undertaken by them. In preparing the financial plan for 2009, the Ombudsman shall request additional resources for the implementation of his activities in all the areas dealt with by his deputies, especially for the activities related to the rights of the child, in the light of a more objective consideration of the actual needs that have arisen in the course of 2008. To this end, the Ombudsman shall use all available options to ensure that the National Parliament fulfils the obligation prescribed by law, within the specified period, so as to permit the appointment of a deputy in charge of the rights of the child.

190. In response to the key question of the Committee - whether the existence of the institution of the Ombudsman helps the resolution of disputes and responses to the complaints regarding the rights of the child, the following examples illustrate the existing practice of the Ombudsman concerning the protection of the rights of the child.

191. Dramatic cases of suspicion of violation of the rights of the child have arisen in practice. In many instances where complaints on the activities of the State authorities have been submitted by citizens, the Ombudsman has initiated the procedures aimed at ensuring the protection of the rights of the child. In doing so the Ombudsman has been guided by the principle of the best interest of the child and the promotion of the principle of the right of the child to participation. In some cases, although the complaint did not actually refer to an actual or potential violation of the rights of the child, the expert service (i.e. the special group for the protection of the rights of the child within the framework of the gender equality department, the rights of the child and the handicapped persons) focused its analysis on determining whether, in that concrete case, the rights of the child had been violated. *All complaints regarding the rights of the child are considered confidential by the Office of the Ombudsman*, and special care is taken to protect the privacy of the child when the practice of the Ombudsman is examined at professional conferences.

192. The general impression, based on the experience to date, is that *the mediation activities* conducted by the expert service of the Ombudsman contributed to the resolution of disputes related to the protection of the rights of the child. Unfortunately, it was apparent that in many cases the reaction of the State authorities had been such as to undermine the effectiveness of this mediation, namely, these authorities resisted the activities of the Ombudsman - it may be supposed that some managers of certain State services find it difficult to accept that there is now

an institution *authorized to control the activities of the State authorities*. If required, the delegation of the Republic of Serbia may submit to the Committee a summarized review of some such cases.

193. The proposal of the Law on the Ombudsman for the Rights of the Child has been submitted for adoption to the National Parliament of the Republic of Serbia on 14 December 2007. In view of the fact that the National Parliament has been dissolved (as mentioned above), it cannot be reliably forecast at this moment what will be the fate of this proposal in future. The strict practice of the legislation body, it may be expected that the proposal will be returned to the authorized proponent.

194. The Ombudsman of AP of Vojvodina is an independent and self-acting body responsible for the protection and improvement of human rights. It was established by the decision of the Parliament of AP of Vojvodina of December 2002 and has its seat in Novi Sad (regional offices have been opened in Pančevo and Subotica). The Ombudsman and five deputies (for general issues, for gender equality, for the protection of the rights of the national minorities and for the protection of the rights of the child) are elected by the Parliament of AP of Vojvodina for a period of six years. The first Ombudsman of AP of Vojvodina - Dr. Petar Teofilović was elected in September 2003. The deputy in charge of the protection of the rights of the child, Marija Kordić, was elected in August 2004. The duties of the Ombudsman of AP of Vojvodina are to protect human rights and freedoms from violations committed by the provincial and municipal administration, and organizations and public services exercising administrative and public powers, founded by the Province or the municipalities. The Ombudsman controls the legality, expediency and efficiency of the activities of the administrative bodies and supervises the application of regulations. According to the decision on its establishment, the obligation of the Ombudsman is to report to the Parliament of AP of Vojvodina on its activities, the state of human rights and legal protection in the Province at least once a year. The deputy of the Ombudsman in charge of the protection of the rights of the child prepares the part of the annual report on the accomplishment of the rights of the child and special cases of their violation. The Deputy Ombudsman in charge of the protection of the rights of the child may also submit a separate report to the Parliament, inform the competent authorities and the wider public about the violations of human rights, and the rights of the child. The parliamentary boards should submit their opinions before the report is submitted to the Parliament (so far, in the field of the rights of the child the boards of education, demography, regulations, health and social care were the competent boards in most cases). The Ombudsman makes recommendations and gives an opinion concerning those violations of human rights and the rights of the child which have been identified. The deputy of the Ombudsman for the protection of the rights of the child monitors the application of international agreements and standards defining the rights of the child, collects information on the enforcement of laws and other regulations concerning the rights of the child (the Family Law, the Law on Juvenile Jurisdiction, etc.), receives and examines complaints relating to the violation of the rights of the child, informs the competent authorities and wider public on the state of the rights of the child, initiates and encourages education about the rights of the child, cooperates and exchanges experience with other ombudsmen and ombudsman deputies in the country and abroad related to the protection of the rights of the child.

195. In order to enable the Ombudsman of the Province to provide accurate reports, it is necessary to collect the relevant data showing the state of protection of the rights of the child. The data have been collected through meetings arranged with the managers of preschool

institutions in AP of Vojvodina (there are 44 of them in total), of the primary schools (344), of the secondary schools (117) as well as with the managers of social welfare centres (40) and by a review of the replies in a questionnaire on the security and participation of children, information they possess, etc. In the course of 2005, the Province Ombudsman implemented the project the Right to Rights at 12 primary schools in AP of Vojvodina, with a total of 1,481 pupils. The data on the knowledge of the rights of the child have been collected on the grounds of tests held both before and after the workshops. During the same year, research was carried out on the minors as the offenders and as the victims of criminal acts, based on the data obtained by the district prosecution offices in AP of Vojvodina. The same year the institutions for children with no parental custody and for disabled children were visited and a personal interview on the state of the rights of the children was also conducted. Data on diseases were collected from the medical centres, as well as on the medical care of children in total in the territory of Vojvodina (11 medical centres, only 12 consultancy units for the young). In 2006, the project the Right to the Rights was implemented, with the training of experts in the field of protection of the rights of the child at all primary schools in AP of Vojvodina and the data collected through information obtained from the experts. Also, this project addressed the education of pupils of the same age in the second and the third class of secondary schools of AP of Vojvodina. The data were collected in talks conducted with the pupils of secondary schools. The same year the Network of Ombudsmen for the Children in South-East Europe was established and the first annual conference was held. The cross references from the member States were collected through the mutual exchange of experience. Also, the database for primary and secondary schools was established (16 groups of questions). In 2007 two issue meetings were held on the healthy styles of living and violence against children, which provided cross references from the member States of the informal Network of Ombudsmen for the children from South-East Europe. The same year the Ombudsman of AP of Vojvodina carried out research at regular and special schools of AP of Vojvodina on the education of disabled children. In addition to the above-mentioned activities, the data necessary for the activities of the Ombudsman of the Province were collected:

- On the occasion of personal contacts with pupils at the open-door meetings (when pupils visit the Ombudsman's office in groups).
- By review of the data of the secretariats in the Province. The data obtained are largely insufficient, the best cooperation has been received from the Secretariat of Education which gives the most complete picture of the rights of the child to education in languages of the national minorities.
- By review of special data such as immunization of children in the territory of Vojvodina, in cooperation with the Health-Care Institute.
- By means of regular visits to various institutions (schools, institutions for pupils, social welfare centres, etc.).

**8. Provide updated information on efforts made to provide training on the provisions of the Convention and human rights generally to children, parents, teachers, social workers and other professionals working with children and for children.**

196. With the aim to create the conditions for the effective enforcement of the Law on Minor Offenders of Criminal Acts and Criminal Legal Protection of Minors and full application of the

provisions of the Convention on the Rights of the Child, 11 regional seminars were held at the end of 2004 and over the course of 2005 on the subject of the Rights of the Child and Juvenile Jurisdiction, under the project Opportunities of Children for Change - Initiative for the Reform of Juvenile Jurisdiction in Serbia, organized by non-governmental organizations, the Centre for the Rights of the Child and the Judiciary Centre, with the support of the Belgrade Office of UNICEF. The purpose of these seminars was to provide all the participants involved in procedures with minors (e.g. the police, the judiciary, attorneys-at-law, social workers) with the necessary training and advanced knowledge, so that the new legal solutions produce concrete results in the combat against criminal acts of minors, that minor offenders of criminal acts obtain appropriate treatment, and that minors suffering from criminal acts obtain due and adequate treatment and legal protection.

197. Since the entry into force of the Law on Minor Offenders of Criminal Acts and Criminal Legal Protection of Minors on 1 January 2006, permanent professional and advanced training in the field of the rights of the child, offences committed by the young and criminal and legal protection of minors have been taken over by the Jurisdiction Centre pursuant to the obligations resulting from article 165 of the Law on Minors. Training has been provided to judges, prosecutors and police officers, public prosecutors and judges who act in criminal cases for criminal acts under article 150 of the Law on Minors, professionals of the social care institutions, prison institutions and attorneys-at-law. This training has been carried out in cooperation with the line ministries of the Government of the Republic of Serbia, scientific institutions, expert and professional associations and non-governmental organizations. After the first stage of training involving 16 regional seminars on acts against minor offenders and minors who are the victims of criminal acts, had been carried out, the Jurisdiction Centre issued conditional certificates to 4,642 participants. The extension of the validity of these certificates shall be conditional upon positive results in knowledge tests that will be held after attendance at all three cycles of training.

198. Also, in the course of 2006, within the framework of the project entitled "Opportunities of Children for Change - Initiative for the Reform of Juvenile Jurisdiction in Serbia", nine regional seminars were held on Psychological and Ethical Aspects of Establishment of Relations of Confidence and Cooperation between the Police in Contact and/or Conflict with Law, in cooperation with the Ministry of the Interior and the Belgrade office of UNICEF within the framework of the project entitled "Opportunities of Children for Change - Initiative for the Reform of Juvenile Jurisdiction in Serbia". These seminars were intended for those police officers especially trained to work with minors. As a result of this series of training sessions, a booklet has been prepared and published under the title "Children and Police - Psychological and Ethical Aspects of Establishment of Relations of Confidence and Cooperation between the Police in Contact and/or Conflict with Law".

199. Within the period 2005-2007, under the project entitled "Protection of Children Victims of Trafficking", in the cooperation between the Ministry of the Interior and the Centre for the Rights of the Child citizens' association, under the support of Save the Children UK, 12 regional educational seminars were held for 411 public prosecutors, police officers, judges, representatives of the educational-upbringing system, social and health care and the media, the subject being "Children Trafficking in Serbia - Threat and Reality". Continuous training was carried out into 2008, including on the Convention on the Rights of the Child.

200. In the course of 2007, the Ministry of the Interior, in cooperation with the Centre for the Rights of the Child, citizens' associations, under the support of the mission of OESC in Serbia, within the project Protection of Children Victims of Trafficking in the Light of Reform Projects of the Ministry of Labour and Social Policy and the Ministry of the Interior, conducted three pilot seminars. These seminars were attended by police officers who had obtained special knowledge in the fields of the Convention on the Rights of the Child, and of offences of the young and criminal legal protection of minors, as well as by coordinators of the teams for the protection of children with no parental care in the system of social care. These seminars were continued in 2008 to address the protection of children victims of trafficking under the application of the procedures of the General and Special Protocols for the protection of children against abuse and neglect in everyday activities.

201. During the chairmanship of the Republic of Serbia of the Committee of Ministers of the Council of Europe from May to November 2007, the Ministry of the Interior undertook several preventive activities aimed at raising the awareness of the public, particularly among children and youths, about the combat against trafficking. October 2007 was declared "the month of combat against trafficking" in Serbia, in the course of which educational gatherings were organized and a propaganda campaign entitled *Modern Slavery*, was conducted, during which 2,000 posters and 10,000 information flyers were distributed under the slogan *People are not Goods! Stop Trafficking*.

202. The Human Resources Agency of the Republic of Serbia, in cooperation with the Agency of Human and Minority Rights, arranged the training for civil servants on human and minority rights, a part of which was dedicated to the rights of the child and the international standards in this field.

203. The Ministry of Labour and Social Policy gives special attention to the respect of the Convention on the Rights of the Child and proper enforcement of the Family Law. The Ministry supervises the holders of the public powers (the social welfare centres and the institutions for the placement of children and the young) and is responsible for the execution of entrusted tasks. With the aim of ensuring proper and lawful activities, the Minister of Labour and Social Policy drew up measures (contained in document number 560-03-619/2006-14 of 3 November 2006) to remove irregularities.

204. The above-mentioned document, which was delivered to all social welfare and to all institutions for placement of children in Serbia, also contained detailed information about the standards of protection and respect for children, enshrined in the Convention on the Rights of the Child. It particularly stressed that every decision by the social welfare centre approving placement, namely by which a request of the parents for placement of their child in an institution, must be carefully considered from the aspect of the rights of the child and his/her best interests.

205. In order to provide proper enforcement of measures for the removal of irregularities in the placement of children and youths at institutions, the Ministry of Labour and Social Policy, in cooperation with the Republic Social Welfare Centre, held 12 two-day seminars in the course of

December 2006 and January 2007. These seminars were attended by 900 experts employed in social welfare centres and in institutions for the placement of children, and youths included, inter alia, training on the standards of the Convention.

206. The educational-upbringing process in the Republic of Serbia is being improved with the aim to fulfil the obligation to protect the rights of the child enshrined in the Convention on the Rights of the Child. In addition to improvements in the functioning of the framework of the educational system, the Ministry of Education provides support for advanced professional training of all participants involved in education, as approved by the institute of the improvement of education and upbringing. The catalogue of the approved programmes includes all aspects of the educational-upbringing system, providing an opportunity to all participants who work with and care for children to receive professional advanced training so as to improve their competences. In the school year 2006/07, the catalogue of the approved programmes included 35 programmes of professional advanced training for the employees in education, while in the school year 2007/08, the catalogue includes 51 such programmes; these programmes are specifically directed to the support of the rights of the child in accordance with the Convention.

**9. Provide information on the Government's cooperation with non-governmental organizations in efforts to implement the Convention. Indicate also whether such organizations have had a role in the preparation of the State party report.**

207. The Government of the Republic of Serbia and its line ministries achieve wide cooperation with those numerous domestic associations of citizens and international non-governmental organizations, which have the mandate of the protection of the rights of the child, and whose objective is that all provisions of the Convention on the Rights of the Child be fully implemented in both law and practice. As stated above in responses to the questions asked by the Committee, permanent cooperation is maintained with certain associations of citizens and organizations, such as the Centre for the Rights of the Child from Belgrade, the Society for the Protection and Advancement of Mental Health of Children and Youth, etc.

208. During the preparation of the initial report on the application of the Convention on the Rights of the Child, cooperation with the civil sector has taken the form of consultations with the associations of citizens at various stages of the preparation of the report. The views expressed in these consultations were incorporated into the report.

**10. The report states that a General Protocol for the Protection of Children against Abuse and Neglect at both the national and the local level was adopted in 2005. Provide information on measures taken to implement the Protocol and improve the childcare system.**

209. In accordance with the obligations emanating from the National Action Plan for Children and the basic principles and guidelines of the General Protocol on the Protection of the Children against Abuse and Neglect, adopted by the Government of the Republic of Serbia on 25 May 2005, the Ministry of the Interior adopted the Special Protocol on Conduct of Police Officers in Protection of Minors against Abuse and Neglect on 11 October 2006. This Protocol is binding for all police officers and is an instrument to ensure professional, ethical and lawful conduct of the police officers in the process of protection of minors against abuse or neglect.

210. Based on the General Protocol on the Protection of the Children against Abuse and Neglect, which was adopted in 2005, the Ministry of Education adopted the Special Protocol on the Protection of the Children against Violence, Abuse and Neglect at educational-upbringing institutions in 2007. The Special Protocol was printed in 5,000 copies and delivered to all educational-upbringing institutions on the territory of the Republic of Serbia. This document provides that all educational-upbringing institutions shall undertake the activities planned for prevention of violence and interventions in cases of violence, abuse and neglect of children and shall establish school teams for the protection of children against violence, prepare protection programmes, and arrange training for employees. The Booklet on the Application of the Special Protocol is being prepared and shall be completed in June 2008. It has been planned that the training for the application of the Protocol shall be carried out at all educational-upbringing institutions in Serbia.

211. The Council on the Rights of the Child, in cooperation with line ministries, supports and coordinates the implementation of measures prescribed by the General Protocol on the Protection of the Children against Abuse and Neglect. The Council also initiated and took part in the adoption of special protocols on the protection of children at social care institutions (2006), in the educational-upbringing system (2007), in the conduct of the police officers for the protection of minors against abuse and neglect (2006) and in the Special Protocol on the Protection of the Children in the System of Health Care, which is being prepared.

212. In 19 municipalities in Serbia, where the local action plans for children are being implemented, local intersectoral teams for the protection of children have been established and trained. About 2,000 experts of various professional profiles (social welfare workers, lawyers, psychologists, policemen, doctors and nurses) have been trained to apply the General Protocol.

213. The General Protocol application programme has been accredited by the Ministry of Labour and Social Policy and the training of future accredited instructors is in progress, by which further dissemination and strengthening of the capacities of intersectoral teams for the protection of children shall be provided.

214. Pursuant to the General Protocol, a compulsory 24-hour watch in cases of urgent interventions for the protection of the child against abuse and neglect has been introduced at all social welfare centres in Serbia, which is being carried out in cooperation with the police and the health service.

**11. Indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.**

215. The National Action Plan for Children prescribes the priorities that also require the utmost attention of the State at the same time concerning the implementation of the Convention: (a) children poverty reduction; (b) quality education for all the children; (c) better health for all the children; (d) improvement of the position and rights of disabled children; (e) protection of the rights of children with no parental custody; (f) Protection of children against abuse, neglect, exploitation and violence and (g) strengthening of the capacities in the country to resolve the problems of children.

## PART II

**Question 11.** *Please provide copies of the text of the Convention on the Rights of the Child in the official languages of the State party as well as in other languages or dialects, if available. If possible, please submit these texts in electronic form.*

216. Serbian is the official language in the Republic of Serbia. In addition to Serbian, in some units of local self-governments the languages of the national minorities are also officially used: Albanian, Bosnian, Bulgarian, Croat, Hungarian, Roma, Romanian, Ruthenian, Slovak and Czech languages. The authorities of AP of Vojvodina officially use Hungarian, Ruthenian, Slovak, Romanian and Croat languages.

217. In addition to Serbian, the Convention on the Rights of the Child has also been translated into Hungarian, and some key chapters and provisions of the Convention have also been translated into other languages of the national minorities, such as Slovak and Romanian.

218. The text of the Convention on the Rights of the Child has not been translated in full into the other languages of national minorities that live in the Republic of Serbia because it is believed that it is available in other languages in electronic form.

219. On the occasion of publishing the report and the recommendations of the Committee on the Rights of the Child, the Agency of Human and Minority Rights of the Government of the Republic of Serbia shall publish the entire text of the Convention in all languages of the national minorities.

## PART III

**Question 12.** *Under this section, the State party is to briefly update the information provided in its report, insofar as relevant information has not been provided under Part I above, with regard to:*

- *New bills or enacted legislation and their compatibility with the Convention*

220. The Ministry of Labour and Social Policy is in the process of rendering a new Decision on the Social Security Institutions Network to be adopted at the end of April 2008. This Decision is in accordance with the Social Security system reform in Serbia and existing fundamental national documents - Poverty Reduction Strategy, National Action Plan for Children, and the Strategy on Development of Social Security, defining general principles and directions for development in the area of social security. This document defines, inter alia, activities to be undertaken by concerned institutions, and supplements or redirects the course of action of three of the children's institutions.

221. The Decision on the Social Security Institutions Network provides for setting up 16 family accommodation centres, which are considered as organizational units of the Social Security and Family Accommodation Centre in Belgrade, an independent institution in charge of coordinating action and providing expert assistance to these organizational family accommodation units.

The Decision thus ensures proper application of the standards on protection of children in foster homes, and the implementation of new activities introduced by the Family Law, therefore providing an adequate support to both children and foster families while controlling the purpose of fostering, in accordance with the Law on Social Security and Civil Protection.

222. According to the conclusion the Government reached in June 2007, the Ministry of Youth and Sports has been authorized to commence with the development of the National Strategy for the Youth. The Government has thus acted upon its concern of providing care for young people, and hence, has ranked it as one of its priorities on the agenda. The youth represent a particularly important category of citizens, and are regarded as bearers and facilitators of future development and changes in the process of European integration of our country; therefore, particular attention must be paid to their needs, attitudes and desires. Systematic care for the youth should become an integral part of every country's strategy, whilst young people should be regarded as indispensable participants in the decision-making process.

223. For the purpose of developing a National Strategy for the Youth, the Government has established a Working Group for the National Strategy for the Youth, presided by the Deputy Minister of Youth and Sport in charge of coordinating the work of the relevant ministries with the aim of developing the Strategy. An Advisory Body presided by the Minister of Youth and Sports has also been instituted with a duty to provide advice and guidance in the process of devising the Strategy.

224. In addition to the above-mentioned bodies, the following were created in the process of devising the Strategy:

(a) Eight thematic clusters covering all priority areas comprised of representatives of competent ministries in a particular field, advisory board representatives and experts on the matter. The main assignment of the thematic clusters is to perform analysis and systematization of materials in the priority area, to provide an overview of the current conditions in the field, and to recommend strategic goals to be reached and measures to be undertaken, based on recommendations produced by a wide circle of consultations;

(b) Six advisory boards consisting of representatives of youth NGOs, local governmental representatives, the media, businesses, international partners and the youth of the political parties. The Advisory Boards objectives are to define strategy priorities, to participate in the consultation process on both regional and local levels, and to partake in the work of thematic clusters and the Advisory Body;

(c) Support Team in charge of compiling the results of the consultation process, and preparing the text for the Strategy.

225. The Proposal for the National Strategy for the Youth has been drawn following the wide consultation process where about 16,000 young people participated. The Strategy Proposal is in accordance with the Statute of the Republic of Serbia, and with all strategic documents adopted by the Government (including the National Action Plan for Children) and international

instruments: the Convention on the Rights of the Child, the Universal Declaration of Human Rights, the European Convention on Human Rights and Fundamental Freedoms, the United Nations World Action Plan for Youth, 2000, the White Book of the European Parliament, and the European Charter of the Congress of Local and Regional Authorities on participation of the youth in local and regional life.

226. The proposal was submitted to all the relevant ministries and institutions in March 2008 for consideration. Upon the receipt of opinions from all these ministries and institutions, a final draft of the Proposal for the National Strategy for the Youth has been drawn and referred to the RS Government for adoption.

227. For the purpose of devising a National Strategy for the Promotion of Sports, the Government of the Republic of Serbia, in September 2007, established a Working Body in charge of devising the Strategy. This document pays particular attention to the activities geared toward making sports available to all citizens, and is a foundation for establishing a National Council for Prevention of Improper Behaviour and Violence in Sports. The draft proposal of the Strategy for the Promotion of Sports has been completed, and is currently in the process of a public discussion.

228. The Ministry of Youth and Sports has prepared a proposal for a new Law on Sports, sent for adoption in 2007.

229. The Law on Prevention of Violence and Improper Behaviour at Sports Events has been adopted in November 2007.

230. The Law on Police Forces contains provisions regarding the application of police powers against minors and young people of age, according to which, such powers may only be exercised by the police personnel having special permission to work with minors: "Police powers against minors, and young people of age involved in criminal protection cases of children and minors, must only be exercised by the personnel with a special permission to work with minors" (item 1). In particular cases, police powers may be exercised by another, second in line authorized official, if the primary official authorized to work with minors is unable to act due to circumstances (item 2). Police powers are applied and exercised in the presence of parents or custodians, or when they are not available, in the presence of an official foster care representative, except in the cases involving special circumstances, or the urgency of action (item 3). The presence of an official foster care representative instead of parents, if possible, may secure the execution of the police assignment in cases when the presence of parents is considered detrimental to the minor due to the acute domestic violence or similar conditions, or is likely to irritate the minor, further aggravating the situation and preventing the assignment from being enforced (item 4). In the event that the presence of a foster care representative, as referred in items 3 and 4 of this article, cannot be provided, it is necessary to secure a presence of a different official, competent in working with children and minors, not employed in the police force, nor in any other way associated with the case (item 5).

231. In order to provide support for the application of the Law on Police Forces and the Law on Minor Delinquents/Criminal Offenders, and Criminal Protection of Minors, the Ministry of the Interior has in 2006 introduced *Guidelines for action of police officials working with minors and younger people of age*. In addition, the Ministry of the Interior has produced the following strategic documents:

(a) The Strategy against Human Trafficking in the Republic of Serbia, developed according to the Guidelines for the National Action Plans of the Stability Pact, and in compliance with the Programme for Producing and Implementing All Inclusive National Response to the Problem of Human Trafficking, and Best Practice in the Region, prepared by the International Centre for Migration Policy Development. The Strategy consists of a number of measures and activities to be implemented as a timely and conceptual response for preventing human trafficking, with special emphasis on protection of human rights of the victims of trafficking. The Strategy sets clear strategic objectives to be achieved through various Governmental institutions' and international organizations' activities. The Strategy embodies the principles of the National Policy for Fighting Human Trafficking, and is primarily based on the protection of human rights of the victims of human trafficking. At the moment, a National Plan for Fighting Human Trafficking is being drafted;

(b) The Strategy of Integrated Border Control in the Republic of Serbia. The objective of this Strategy represents a process of defining a framework system which will allow for establishing a long term protection of the border, open for transport of people and goods but secure and non-porous to all types of over-the-border criminal activities, and all other activities which may compromise the stability and security of the region. A system of integrated border control will be in accordance with the rules, standards and recommendations of the European Union regarding outside borders.

- *New institutions*

232. The special decision of the Government of the Republic of Serbia laid down the establishment of the Agency of Human and Minority Rights, with a main objective, among others, being monitoring compatibility of domestic regulations with international treaties and other international documents dealing with the rights of the child, and preparing reports on the implementation of international treaties on the rights of the child to be submitted to the Government.

233. As a part of an all-encompassing reform process of the social security system, the Government of the Republic of Serbia established in December 2005 the Social Security Institute of the Republic with a purpose of strengthening professional capacities necessary for creating improvements in the social security system. The Social Security Institute of the Republic has been established with a purpose of performing the following functions: research and development, professional training and growth, assessment of professional work, supervision, information and promotion.

- *Newly implemented policies*
- *Newly implemented programmes and projects and their scope*

234. The Government of the Republic of Serbia adopted the Strategy for Social Security Development on 1 December 2005, a document clearly stating that the need for respecting the rights of the child is a fundamental principle for the reform of the children's protection system, on which all future documents and developmental projects in this area are founded.

235. This primarily involves respecting the rights of the child to grow up in its natural family surroundings, which is to be achieved through developing support services for both children and their families on the local level. For children without parents, this entails creating conditions for achieving rights on securing an alternative family protection.

236. One of the objectives determined by the Strategy is to develop a service network in the community within mentioned strategic goals and assignment of the integral assessment of the consumer needs, service planning and evaluation and is to be achieved along with the following activities:

- Introduction of professional standards regarding assessment, planning, monitoring and evaluation, and
- Introduction of methods for case management at the social welfare centres

237. The Ministry of Labour and Social Policy of the Republic of Serbia has prepared a decision proposal on organization of work, labour norms and standards of the social welfare centre regarding public content authorizations, and professional work record keeping (this proposal will be transferred to the Government for adoption promptly). This proposal regulates standards of work, organization of work and professional record keeping of the centre. Through systematic regulation of case management at the social welfare centres, new and more efficient internal organization of work, introduction of new documentation, and clear separation of administrative and occupational procedures, improvement in the quality of professional work and protection of children should be achieved.

238. Following the Council on the Rights of the Child initiative in October 2007, a Working Group was established, consisting of experts and relevant ministries' representatives. The Working Group completed the preparation of the National Strategy for Protection of Children against Violence on 15 March 2008. This document determines a long-term policy of the Serbian Government on the protection of the rights of the child, focusing on protection against abuse, neglect and all forms of violence. Currently, the Action Plan for Expatriation of Objectives, Measures and Activities Referred in this Strategy is being devised. The deadline for the completion of this plan, with specific bodies and deadlines is the end of April 2008.

## PART IV

**Question 13.** *The following is a preliminary list of major issues (other than those covered in Part I) that the Committee may take up during the dialogue with the State party. They do not require written answers. This list is not exhaustive as other issues might be raised in the course of the dialogue.*

1. *The State party's strategy to significantly strengthen the Convention's overall implementation with particular attention to the general principles of the Convention.*
2. *The role of the Council on the Rights of the Child.*

239. The Council on the Rights of the Child of RS was established by the decision of the Government of Serbia of 16 May 2002. The main objectives of the Council are to initiate measures for harmonization of the policy of the Government of the Republic of Serbia in areas relating to children and the youth (health care, education, culture, social issues), to initiate measures for building all-encompassing and coherent policy towards children and the youth, to define recommendations for achieving important social indicators regarding care of children and the youth as conditions for the European integration, to propose policy for implementing children's rights in accordance with the Convention on the Rights of the Child, to provide competent authorities with results to be analysed on implemented measures regarding children, families with children, birth rate, to monitor implementation and protection of children's rights in our country, particularly in actions for implementing decrees of prescribed measures regarding minors who have problems with the law, and to take initiatives for undertaking measures to protect children's rights in judicial processes.

3. *Budget allocations for children.*
4. *Non-discrimination, particularly relating to sex, minorities (e.g. the Roma), and those living in remote areas, and the implementation of article 3 (best interests of the child) and article 12 (respect for the views of the child).*

### General measures

240. Article 21, paragraph 3 of the Constitution prohibits all kinds of discrimination, direct or indirect, for any reasons related to sex, race, national identity, religion, beliefs, culture, language, etc. The ban on discrimination against minorities is stipulated in article 76, paragraph 2 of the provisions of the Constitution, prohibiting any forms of discrimination based on the fact that a person belongs to a minority group. The Law on Protection of Minority Rights and Freedoms in its article 3, paragraph 1 clearly prohibits all forms of discrimination based on nationality, ethnicity, race, colour or language of individuals belonging to a minority. The provision provided in paragraph 2 of the same article states that the governmental organs of the Republic, autonomous province, city or municipality are not allowed to draft and bring into force any legal documents or measures contrary to paragraph 1 of that article.

### **Criminal sanctioning of discrimination**

241. In the legal system of the Republic of Serbia, discrimination is punishable under the Criminal Code. Article 128 provides for imprisonment from three months up to five years for individuals, who, based on differences in sex, nationality, ethnicity, race or religion, or the lack thereof, or based on differences in beliefs, language, education, social status and so on, deprive or limit, or offer benefits and privileges to the basic rights of another individual determined by the Constitution or other regulations, or as confirmed by international treaties.

### **Ban on discrimination in education**

242. The Law on Fundamental Education and Upbringing, and article 46 thereof, clearly prohibits all activities endangering or putting down groups or individuals based on differences in sex, race, nationality, language, religion, or actions that encourage mentioned activities. The Law prescribes fines for individuals endangering or putting down groups or individuals based on differences in race, nationality, language, religion or sex.

### **Ban on discrimination at work**

243. Discrimination at work is strictly forbidden. Article 18 of the Labour Law prohibits discrimination, and provides that all individuals searching for employment, as well as those already employed must not be discriminated against nor deprived of employment opportunities based on their birth characteristics, sex, language, race, nationality, and religion and so on.

### **Ban on discrimination in the information sector**

244. Discrimination is forbidden in the public information sector. Article 3, paragraph 5 of the Law on Radio Broadcasting of the Republic of Serbia provides for regulating the relations in radio broadcasting based on principles of objectivity, non-discrimination and transparency in the process of granting the broadcasting licence. In this Law, the ban on discrimination is further regulated with a number of provisions. Article 38, paragraph 2 of the Law provides that there should exist universal conditions based on which a broadcasting licence may be granted. Article 77, paragraph 3 of that law provides that general interests of the public must be protected through adequate organization of the broadcasted programmes, them having diverse content and being compatible and supportive of the democratic values of today's world, further respecting and supporting human rights and cultural, national, ethnic and political pluralism. With an aim of achieving and protecting general public interests in broadcasting services, article 78 of the Law on Broadcasting of the Republic of Serbia provides for carriers of the public broadcasting service to be obliged to produce and broadcast programmes for all parts of the society, without discrimination, particularly paying attention to specific social groups, such as children and the youth, minorities and ethnic groups, disabled, socially vulnerable and so on.

245. The Law on Public Broadcasting in its article 2, paragraph 3 provides that no one can be allowed to directly limit the freedom of public information, particularly through utilizing governmental or private authorizations, rights abuse, affecting and controlling printing and distribution of public information or through monopolizing broadcasting equipment and using radio frequencies, or in any other way suitable for limiting the flow of ideas, information and opinions.

246. Article 16 of the Law prohibits all kinds of discrimination in distribution of public information, and provides that the individual in charge of distributing public information must not ever refuse to distribute someone's public information without precise commercial reason, or set conditions for distribution. Encouraging discrimination of ideas, information and opinion is prohibited by article 38 of the Law on Public Information.

#### **Ban on discrimination in health care**

247. One of the guiding principles of the Law on Healthcare contained in article 20 of that law is the principle of an equitable health care achieved through the ban on discrimination in providing health care based on sex, race, nationality, religion, culture and language.

248. The best interest of the child is one of the crucial principals in domestic legislation. With that in mind, referring to the Convention on the Rights of the Child, the new Constitution of the Republic of Serbia in its article 64 provides for a more precise legislation for closer protection of rights and best interests of the child. The Family Law provides that all involved must be governed by the principle of the best interest for the child in all activities involving a child (art. 6), which is further defined through specific provisions of that law, like, for example, article 60 on limiting the right of the child to live with his/her parents through court order only in cases when that is in the best interest of that child.

249. Specific measures for the protection of the best interest of the child are also contained in other specific laws, for example, in the case of the law concerning minors (the Law on Juvenile Delinquency/Criminal Offenders and Criminal Protection of Minors).

250. Freedom of opinion involves the right of all individuals to freely express their opinions, regardless whether they are of age or minors, and is guaranteed by domestic law.

251. The new Constitution of the Republic of Serbia in its second part, article 43, paragraph 1, guarantees the freedom of thought, conscience, beliefs and religion, and the right to remain faithful to one's own beliefs or religion, or to change them based on independent individual decision. Article 46, paragraph 1, guarantees the freedom of opinion and expression, and the right to request, acquire and spread ideas and information through speech, in writing, through images or in any other way. Based on the Constitution, respecting the views of the child represents a lawful principle applied in all judicial and administrative processes concerning rights, interests and benefits of the child. The Family Law provisions recognize the legal nature, and respect of child's views in specific cases, while provisions of the criminal process legislature regarding minors (the Law on Juvenile Delinquency/Criminal Offenders and Criminal Protection of Minors) secures freedoms of expression, respecting the opinion of, and providing specific protection to minors in numerous lawsuits.

#### **5. *Police brutality, including against the Roma community and foreigners.***

252. In conducting police duties, police forces comply with national standards of police behaviour, requests determined by the law, and other regulations and documents of the Republic of Serbia, along with respecting and acting according to international contracts and conventions adopted by the National Parliament of the Republic of Serbia.

253. While conducting police duty, police forces comply with the international standards of police behaviour, existing requests determined by international documents relating to the duty to serve; respecting the law and preventing the dissolution of the law; respecting human rights; respecting non-discrimination in police work; limiting and refraining from the use of extortion; respecting the ban on torture and use of inhumane and humiliating procedures; providing assistance to the ones in need; respecting the confidentiality obligation; and respecting the obligation to refuse unlawful commands and offer resistance to corruption and bribe.

254. The police forces are ensuring that police officers' actions are not, in practice, below, or contrary to the European standards regarding police conduct.

255. The Ministry of the Interior adopted the Guidelines on Police Ethics and Conduct on 15 April 2003, in accordance with the Recommendation Rec (2001) 10 on the European Code of Police Ethics adopted by the Council of Europe Committee of Ministers on 19 September 2001.

256. Regarding police conduct toward children and minors, there are clearly defined limitations relating to extortion. Methods of extortion must not be used when dealing with a child, unless the child itself is posing a threat to its own life, or the life of a police officer or another person. In dealing with a minor, it is possible to utilize methods of extortion, apart from firearms which can only be used in self-defence in an immediate attack or danger. Police officers must provide a detailed report for every extortion method used.

257. Furthermore, it is important to emphasize that by adopting the Law on Juvenile Delinquency/Criminal Offenders and Criminal Protection of Minors, the retaining of minors at the police station for up to 48 hours was abolished, which had previously been possible according to the Criminal Law provisions.

258. For the purpose of professional, ethical and lawful police conduct involving minors, the Ministry of the Interior has adopted two sub-legal documents: the Guidelines for Police Officers' Conduct involving Minors and Younger People of Age; and the Special Protocol on Police Officers' Conduct involving Protection of Minors from Abuse and Neglect.

259. Prevention and restraining of minor delinquency and child protection from abuse is generally performed by specially trained police forces authorized to work with minors, along with other police personnel in the security sector, involving alerts, patrols and other activities.

260. For the purpose of educating the Roma population, the Ministry of the Interior held numerous public discussions and meetings with the representatives of 43 Roma associations during 2006, where 390 of their members participated.

#### ***6. Programmes, services and support provided to parents.***

261. In December 2006, the Ministry of Labour and Social Policy of the Republic of Serbia organized training for practitioners employed in the social security system, including over 800 individuals, where one of the training modules was related to enabling those services to provide adequate support to biological parents exposed to the risk of neglecting and abandoning

children. The support to a biological parent bearing risk of neglecting and abandoning their own child is complementary to the trend of reducing the number of children and young individuals relying on the social protection services, and primarily should serve as a support for developing services and centres for supporting biological parents in the local community. All social security professional activities should influence change in approaches to the choice of, and implementation of concrete measures for the protection of children and young individuals, as well as to promote a wide range of support to biological parents more extensive than that currently available according to the national legislation and local decisions.

262. The general training objective was to create a context for utilizing support services provided to biological parents through:

- Promotion of the existing laws and decision-based measures for family support
- Development of new programmes and services
- Expanding the network of support services to biological parents

263. The legal framework covered in the training, included rights and measures for the protection of the family, determined by the laws of the Republic of Serbia, and rights and support services determined by the local self-governance decisions, while particular attention was given to the rights of the child, determined by the Convention on the Rights of the Child and the 2005 Council of Europe Recommendations addressed to the member States regarding the rights of the child residing in an institution.

**7. *Protection of children deprived of a family environment (placement in alternative care, review of placement of children and follow-up of those who leave care for adoption within the country).***

264. According to article 6 of the Family Law, the State must secure protection for every child within its family whenever possible. All actions bearing decisions to provide alternative care for children are subordinated to the priority of providing support to the family in organizing adequate care for the child, and implementing all types of protection to allow a child to reside in the least restrictive environment. Accommodation in the social security institution applies only in special circumstances. The Ministry of Labour and Social Policy of the Republic of Serbia has an obligation to control that the provisions of the Convention on the Rights of the Child are complied with, and to provide for an adequate implementation of the Family Law and the Law on Social Security and Civil Protection. At the same time, the Ministry is accountable for monitoring the operation of social security and protection centres and their patrons. With a view to fulfilling these obligations, the Minister of Labour and Social Policy has adopted measures for removing irregularities, and prescribing the following obligations of centres and institutions engaged in social work:

(a) When providing alternative care for a child of less than 18 years of age, the social welfare centre must first obtain an approval from the Ministry;

(b) If placing a child in the alternative care institution is considered an urgent measure, the social welfare centre must obtain an opinion from the Ministry within three days after the accommodation takes place;

(c) Accommodation institutions must not admit a child, unless as provided in point (b), without an adequate opinion from the Ministry, which should be submitted to the institution in question within five business days from its receipt at the Ministry;

(d) Along with the request for opinion regarding accommodation, the social welfare centre is required to provide a complete documentation on all measures, activities and results of the attempts to provide protection to the child in a less restrictive environment;

(e) Decisions on accommodating a child in an institution, taken in accordance with this document shall be reviewed every six months, or every three months for children under 7 years of age, and reports submitted to the Ministry;

(f) The social welfare centres and accommodation centres are obliged to examine the need of a child to remain in a concerned institution, and the possibility of providing protection in a less restrictive environment, within three months from the receipt of this document and report to the Ministry thereof;

(g) For children that remain in the institution, the centre is obliged to re-examine the need and conditions for filing lawsuits against parents in accordance with the law, and to make appropriate decisions within three months from the receipt of this document and report to the Ministry thereof;

(h) The directors of social welfare centres and the accommodation centre directors are responsible for the implementation of this document.

**8. *Domestic violence, abuse and ill-treatment, including corporal punishment.***

265. During 2007, the Ministry of the Interior supported the initiative for the legal ban and protection of children from corporal punishment in Serbia, initiated by Save the Children UK NGO in cooperation with 17 governmental and civil sector organizations, and participated in the media campaign entitled "Always nice - never force". "For a childhood without punishment, for a life without abuse".

**9. *Access to health care and education and social services, including by persons belonging to minority groups.***

**10. *Children with disabilities.***

**11. *Economic exploitation, including child labour.***

**12. *Unaccompanied children, children of refugees, internally displaced children and asylum-seekers.***

**13. *Children belonging to minority groups.***

**14. Sexual exploitation and trafficking.**

**15. Substance abuse.**

266. According to the information from the Ministry of the Interior:

- During 2006, 19 criminal acts were detected and reported belonging to the acts described in Chapter XXIII of the Criminal Law involving illicit substances/drugs (illegal production, storing and trafficking of illicit substances referred in article 246, and enabling the use of illicit substances, article 247) hence damaging lives of 25 children and minors, including 1 male child and 24 minors (4 females and 20 males)
- During 2007, 18 criminal acts were detected and reported belonging to the acts described in Chapter XXIII of the Criminal Law involving illicit substances/drugs (illegal production, storing and trafficking of illegal substances referred in article 246, and enabling use of illegal substances, article 247) hence damaging lives of 27 children and minors, including 4 children (2 females and 2 males) and 23 minors (6 females and 17 males)

267. All activities implemented in Serbia with a purpose of improving security in our living surroundings, and preventing drug abuse have direct effect on children. Some of them represent examples of good practice and cooperation between the Ministry of the Interior and the Ministry of Education in implementing preventive programmes and actions, such as: *Preventive actions involving school children and the youth* (from 2005), where police officers held interactive lectures for students, teachers and parents in elementary and high schools, and police stations. Those lectures covered the use and prevention of use of psychoactive substances. In the territory of the city of Belgrade, the action by the City Government *Drugs are zero, life is only one* started in 2006 has an intention to inform children and the youth of psychoactive substances prevention and suppression mechanisms (drugs, alcohol, tobacco). During 2006 and 2007 this action included over 200 lectures in 109 primary schools for fourth and seventh graders, where 19,318 attended.

268. According to the information obtained from the Ministry of the Interior with respect to unauthorized bartending and serving of alcohol to minors under 16, according to article 11 of the Law on Public Order in 2005, there have been 1,306 lawsuit requests, in 2006 - 828, and in 2007 - 738 requests.

269. As a good practice example, with an objective of finding and reporting illegal serving of alcohol to drunks or minors, action for enforced control of the ban on selling and bartering of alcohol to minors was implemented.

270. The round-table session entitled "Juvenile Delinquency in Serbia - Open Dialogue among Institutions at Local and National Levels" was held on 8 November 2007 in Belgrade through a joint effort from the United Nations Agencies UNODC, UNICEF and UN-HABITAT, and in cooperation with the Ministry of the Interior, has identified this problem as a priority, and has adopted conclusions defining a clear need to have an efficient and persistent application of the legal ban on selling alcohol and tobacco to minors.

**16. Administration of juvenile justice, including conditions in juvenile detention facilities.**

271. Information on the implementation of juvenile justice, including conditions in juvenile detention is partially included in the response to question No. 8 of part A. It should be added that the composition of employees in the Penitentiary-Correctional Institution in Kruševac is such that includes psychologists, medical technicians, teachers, professors and educators with different profiles. The relations between the staff and patrons are conducted during the day with an authorized official in charge of re-educating and offering support to patrons. This institution nurtures education and occupational training, and provides training for 25 different occupations while offering a possibility to attain a diploma from one of the schools in Kruševac.

Work-in-training for certain occupations is conducted in the production parts of the institution, such as producing brass objects for a certain pay. At the same time, work-in-training and education for other occupations is organized in certain high schools in Kruševac and the area (extracurricular education and exams).

272. The Penitentiary-Correctional Institution houses a primary school awaiting accreditation in the period to come. The European Agency for Reconstruction and Microsoft have donated a computer lab for educating both teachers and patrons, while UNICEF has provided a material help to the school.

273. At this Penitentiary-Correctional Institution there is a Chapel of the Serbian Orthodox Church for the patrons of the Institution, while patrons of different religions may organize visits of their clergy.

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