Appendix to the creation of an exposé for the mandate holders who will form the new Government of the Republic of Serbia

_Network of Organizations for Children of Serbia_ (further in the text: NOCS) addresses you in order to express the expectation that children’s rights will be considered a priority of the Government of the Republic of Serbia whose formation is soon to be expected. For this reason, NOCS invites you to express your dedication to improving the quality of children’s lives in Serbia and to define specific actions which will be taken to achieve this goal in your exposé as the mandate holder in the new Government, as well as in the government program. If the improvement of the children’s position was recognized as a particular area in the functioning of the Government at the very exposé, it would set a positive precedent.

Children in Serbia make up 17 percent of the total population, although their number is constantly declining. Indicator of children’s lives quality show that the improvement of children’s position in Serbia requires a higher level of political will and public focus.

According to the UNICEF data, indicators of children health suggest that in the cases of 20 percent of the children a timely and appropriate immunization was not performed, and that about 30 percent of children under the age of five do not have a proper diet. This affects their further physical and mental development and makes them prone to diseases. In the areas of education and upbringing, 50 percent of the children aged three to five do not attend preschool, and 91 percent of children from the underprivileged households do not attend preparatory preschool programs. As many as 40 percent of children are exposed to violent upbringing methods at home.

The position of children in Serbia is characterized by the striking inequality between different categories of children, so that especially endangered children are the ones without parental care, children with mental and physical disabilities, Roma children, and the children from the underprivileged households. Children with disabilities have limited access to health, education and rehabilitation institutions. More than 6000 children is currently separated from their parents...
and in foster care, and this number is constantly increasing. About 80 percent of institutionalized children are children with mental disabilities. Roma children, especially girls, are falling behind general children population according to all socio-economic indicators. Out of the total number of Roma children, 64 percent finish elementary school. Only 15 percent of Roma girls attend high school, whereas 57 percent get married under the age of 18.

We expect the Government to continue working on further improvement of the normative framework for the realization of the children’s rights, i.e. the improvement of the mechanisms for a practical application of legal solutions. We expect it to better recognize the efforts and the contribution of the civil organizations which deal with the realization of the children’s rights and the improvement and raising of the quality of life for all the children in Serbia; to support their participation in the process of formulating children-related policies, bearing in mind their competence, direct work with the beneficiaries and their experience from working in the field. In the following paragraphs, NOCS will in that same way attempt to point at the concrete measures and actions aiming at the improvement of the children’s position, with the hope that they will become a component of your exposé.

Children who had had an adequate support in their early childhood as adults achieve higher employment rate and better income, they are of better health and show lower criminal propensity or dependence on social care than those who had not had those same conditions. For all these reasons, NOCS invites the new Government of the Republic of Serbia to pay special attention to eliminating the inequality among different groups of children and take measures to solve numerous problems impeding the realization of children’s right for all the children – the right to not be discriminated against when they properly play, develop, learn and grow up, i.e. to spend their childhood with dignity, to be safe, healthy and happy.
The improvement of the institutional framework of the Government of the Republic of Serbia for the creation and implementation of the children’s rights policy


The Council for Child Rights represents an advisory body of the Government of the Republic of Serbia which was formed in 2002 with the aim of directing the creation of the government policy in the area of child rights and in order to analyze the effects of the applied measures. The council for child rights was established to reconsider legislative proposals dealing with the child rights and to initiate the creation of the new ones, to follow the implementation of the international obligations and the implementation of the national regulations, as well as to improve the coordination between different state administration bodies.

Policies and measures related to children fall under the jurisdiction of different responsible institutions. In fact, it could be said that there is no sector policy which has neither direct nor indirect effect on children. In order to ensure the coordination between activities and the realization of plans which are multi-sectional by nature, it is of great importance that there be a strong and operative Council for child rights functioning as an intermediary, interagency, coordinating body. In that sense, European Commission ascertained in its Screening Report on Chapter 23 that it is “essential to ensure that coordination and oversight of rights of the child implementation are properly addressed and that the Council for protection of the rights of the child is adequately resourced and empowered to fulfil its mandate and effectively monitor and track implementation of the many action plans and strategies in the area of rights of the child.”

The Council for Child Rights in its current assembly was founded by the Resolution of the Government of the Republic of Serbia in February 2014 for a four-year mandate. Having in mind

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1 Based on the recommendation of the European Commission, the Ministry of Justice defined the following activity in the action plan for the Chapter 23: “To improve the work of the Council for Child Rights, to ensure its role in following the effects of the reforms, further shaping or the policies, as well as securing adequate resources for the implementation of action plans and strategies in the area of the rights of the child.”
the fact that in the meantime there had been two cycles of parliamentary elections leading to the changes in the structure of the executive power bodies, as well as the fact that forthcoming issuing of the new strategic documents demands an empowerment of the Council’s legitimacy, NOCS believes that the government should, upon its constitution, form a new Council for Child Rights which would operate in a full capacity.

One of the priorities of the Council should be to present a draft of the new National Action Plan for Children as a strategic document of the Government in which key measures undertaken to improve the position of children will be defined. Since the Council is expected to improve the intersectional cooperation and ensure a multidisciplinary access in the area of child rights realization, it should include in its work the representatives of all the relevant Ministries and other government administration bodies, as well as the prominent experts in the area of child rights and the representatives of the civil sector. Apart from that, the Council should develop the cooperation with the Committee on the Rights of the Child of the National Assembly and the bodies of the government responsible for the monitoring of the recommendations of the UN bodies, as well as with all the other relevant national and international institutions and organizations dealing with child rights.

- The formation of the Administration for Child Rights

The Office for Human and Minority Rights and The Ministry of Labor, Employment and Social Issues are at this moment the only government administration bodies dealing with the child rights, among all other areas. NOCS believes that this is not an appropriate institutional framework for the creation and implementation of child policies, especially in the light of the actions that await the new government. In order to empower the institutional capacities for child right policies, NOCS suggests that, according to the Act on Ministries, the Administration for Child Rights be formed as an administrative body within the Ministry dealing with social issues.

The Administration for Child Rights would be in charge of providing the Government with the administrative and professional support in formulating child policies, especially with regard to the draft of laws and other government acts. In addition, the Administration would offer professional and administrative-technical support to the Council for Child Rights. In this way, forming of the Administration for Child Rights would simultaneously mean fulfilling the
demands from the Action Plan for the Chapter 23 related to improving capacities of the Council for Child Rights.

The development of the normative framework for fulfilling child rights in the Republic of Serbia

- **Adopting the National Action Plan for Children**

*The National Action Plan for Children,* adopted in 2004 as a strategic document of the Government of the Republic of Serbia which defines the general government policy towards children, became invalid in 2015. The UN Committee on the Rights of the Child encourages countries which ratified the Convention on the Rights of the Child to develop such umbrella documents wherein the government policy towards children is defined, with concrete and measurable plan of measures and actions, in accordance with the highest international standards defined in this area.

By adopting the new *National Action Plan for Children* the government would confirm the highest level of dedication to realization the rights of children. The process of drafting the National Plan should be coordinated by the Council for Child Rights. The New National Action Plan should be created in a broad consulting process which would include civil society organizations as well as the general public, including children themselves. The Council for Child Rights would be in charge of monitoring the realization of the National Plan that is implementing the evaluation of the achieved results.

- **Adopting the National Strategy for the Prevention and Protection of Children from Violence**

*The National Strategy for the Prevention and Protection of Children from Violence* was adopted in 2008 and also became invalid in 2015. The new Government should start the process of
drafting and adopting the new National strategy, and afterwards the same should be done for the Action Plan needed for its implementation. By adopting and implementing the New National Strategy the Republic of Serbia would fulfil its obligation defined by the Convention on the Rights of the Child which would mean taking measures to ensure the protection of children from all forms of violence. Additionally, the adoption of this document was also planned by the Action Plan for the Chapter 23. As the effective child protection from violence is only achievable through the partnership of different sectors, the process of drafting the National strategy should include the civil society organizations, as well as other relevant parties. The coordinating role in the process of drafting the National strategy should be given to the Council for the Child Rights.

- **Innovation of the Protection of Children from Violence, Abuse and Neglect Protocol**

With the aim of establishing the intersectional cooperation on protection of children from violence within the framework of the implementation of the National Action Plan for Children from 2004, *The General Protocol for the Protection of Children from Abuse and Neglect* was adopted in 2005 alongside with special protocols for individual sectors.² Once the Government has adopted the new *National Action Plan for Children* and the new *National Strategy for Prevention and Protection of Children from Violence*, a revision of the general and special protocols for the protection of children from violence should be conducted and their implementation should be made mandatory.

- **Passing the Law on the Child Rights**

In order to complete the normative framework for the realization of the child rights, *the Law on the Child Rights* should be passed in order for it to define the basic principles, concepts and

jurisdiction in this area. As a starting point for the making of this law, a pre-draft put forward in 2011 by the Protector of Citizens.

- Passing the Law on Ratification of the Optional Protocol to the Convention on the Rights of the Child on the procedure of filing complaints to the Committee on the Rights of the Child

The Republic of Serbia signed the third Law on Ratification of the Optional Protocol to the Convention on the Rights of the Child on the procedure of filing complaints to the Committee on the Rights of the Child in 2012. However, the National Assembly has not ratified this protocol yet. This means that the children of Serbia do not have the opportunity to ask for protection on an international level in the situations when they believe that the government mechanisms had not adequately responded to their complaints. For this reason, NOCS invites the Government to pass to the National Assembly the Draft of the law which would ratify this protocol.

- The continuation of the work on adjusting the child right policies to the international standards defined by the UN, the European Council and the EU

The key task of the government in this area should be the creation of conditions for full implementation of the UN Convention on the Rights of the Child. In mid-2015, the Government delivered the Second and the Third Periodic Report on the implementation of the Convention on the Rights of the Child to the United Nations Commission on the Rights of the Child. The Commission gave the Government a list of questions concerning the delivered reports and the implementation of the Convention. Having considered all the gathered material and having heard the Government report which will take place in 2017, the Commission will formulate adequate recommendations for improving the state of the child rights and deliver these to the Government. It is expected that the Commission will deliver its recommendations in mid-2017.

Having in mind the direct work with the beneficiaries, the comprehension of the situations and events on the field, as well as the expertise, the civil society organizations dealing with realizing child rights could have a key role in monitoring the implementation of government measures and recommendations from the Commission on the improvement of the position of children. In line with that, we expect further improvement of the involvement of civil society organizations in the
processes of preparation, creation and monitoring the implementation of regulations concerning the questions relevant for the realization of child rights.

NOCS advises the Government to pay attention to the document titled *the Council of Europe Strategy for the Rights of the Child (2016-2021): Building a Europe for and with Children* which was adopted by the Committee of Ministers of the European Council in the beginning of March 2016. NOCS believes that the Republic of Serbia, as a member of the European Council, should take part in the implementation of this document, i.e. take into consideration the goals and priorities defined by this document when they define their child policies.

In April 2016, the Government of the Republic of Serbia adopted *the Action Plan for the Chapter 23* which was previously ratified by the European Commission. NOCS especially applauds the fact that the Government has defined the goals within the framework of this action plan related to the protection of the rights of children and persons with disabilities, including the improvement of the position of underage persons when in contact with judiciary bodies. On that note, the Government should recognize NOCS and other civil society organizations as partners in the process of the implementation of the actions put forward with this document.

- Form the Council for Child Rights
- Form the Administration for Child Right
- Adopt National Action Plan for Children
- Adopt the National Strategy for Prevention and Protection of Children from Violence
- Renew the General and special protocols for protection of the children from violence, abuse and neglect
- Pass the Law on Child Rights
- Pass the Law on Ratification of the Optional Protocol to the Convention on the Rights of the Child on the procedure of filing complaints to the Committee on the Rights of the Child