

# **QUALITY OF CHILD PROTECTION SERVICES IN SERBIA**

**EXISTING POLICIES, STANDARDS, REGULATIONS,  
INDICATORS AND SYSTEMS FOR THE MONITORING**



Slavica Milojevic, October 2017



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## EXECUTIVE SUMMARY

Child growth and development within the family environment is the main direction widely applied in the Republic of Serbia. The Family Law and the Law on Social Welfare clearly give priority to the prevention of child separation from their parents whenever this is in the best interest of the child. However, the number of children who are entering social protection system as beneficiaries is raising. In the general population of children in Serbia, the number of children decreased by 4% between 2012 and 2016, while in the same period the number of children in the social protection system increased by 14.3%.

The system of social protection of children in Serbia is oriented towards achieving minimal material security and independence, eliminating the consequences of social exclusion and preventing and remedying the consequences of abuse, neglect and exploitation. The law defines forms of behaviour that undermine a desirable and acceptable attitude towards the child, determines the degree of social tolerance to different standards of raising and upbringing of children and the criteria for state intervention in these processes. Key regulations for child protection in Serbia are Social Welfare Law (2011), Family Law (2005) and Law on financial assistance to families with children (2009). The Family Law represents a reference law for the application of certain standards and principles when deciding on many rights of the child and outside the family protection system, in the education system, the social protection system, etc. (child's capacity to work, child's rights, representation of the child, child's opinion, child's best interest, role of guardianship authority). The Law on Social Welfare has introduced the quality system which implies 1) basic standards of social care services, 2) implementation of the system for accreditation of training programs and programs for treatment and 3) licensing of service providers. Law on Social Welfare also gives priority to community services and limits the accommodation in residential institutions (e.g., a ban on the institutionalisation of children under three years old).

Child care infrastructure consists of rights and services organized on national and on local level. From the state, from the national level are secured Cash benefits (Social allowance, Disability allowance, Child allowance), Statutory services, Foster care and Residential care. Under the responsibility of local governments are One-off cash allowance, Preschool allowance for children from economically vulnerable families and Community based services (Day care, Personal assistance, Drop in Shelters etc.)

The main concerns in child protection in Serbia are in the following areas: tackling child trafficking and child labour issues; enabling a more effective coordination within the child protection system; providing better care for children with disabilities, creating and developing new and upgrade existing services for family and in collecting relevant data and monitoring the child protection system.

## INTRODUCTION

The National Assembly of the Republic of Serbia carries out its activities relating to the protection of the rights of the child through the work of a separate Committee on the Rights of the Child, which was established in July 2012. In this way, the commitment to bringing children's rights into focus of reform processes in Serbia was institutionally confirmed. However, there are still over 100 legal texts of importance for the rights of the child that are currently being implemented, but due to lack of their harmonisation, there are legal gaps, as well as setting of legal situations in which children can be found in a different/uncoordinated manner. As a significant illustration, during 2016, the Assembly of the Republic of Serbia adopted 9 laws important for the realisation of child rights: the Law on Police, the Law on Public Order and Peace, the Law on Sport, the Law on Amendments to the Law on Offences, the Law on Administrative Procedure, the Law on Public Health, the

Child protection is the set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks. These systems are part of social protection, and extend beyond it. At the level of prevention, their aim includes supporting and strengthening families to reduce social exclusion, and to lower the risk of separation, violence and exploitation.



Law on Protection of Population from Infectious Diseases, the Law on Prevention of Domestic Violence, and the Law on Amendments to the Criminal Code.

The passing of these laws is why, in the Recommendations of the UN Committee on the Rights of the Child for the second and third reports, it was stated that the UN Committee on the Rights of the Child welcomed Serbia's efforts to reform legislation related to the rights of the child, but it remains concerned at the inadequate harmonisation of legislation combined with the absence of a comprehensive children's Act, noting that the reluctance to enact such an Act poses a significant challenge to advancing children's rights. Therefore, the Committee encourages Serbia to continue harmonising its legislation with the principles and provisions of the Convention on the Rights of the Child, and recommends the enactment of a comprehensive children's Act and the introduction of a child rights impact assessment for all new legislation (paragraphs 6-7a).<sup>1</sup>

Child growth and development within the family environment is the main direction widely implemented in the Republic of Serbia. The Family Law and the Law on Social Welfare clearly give priority to the prevention of child separation from their parents whenever this is in the best interest of the child. Therefore, one of the priority tasks for social protection is enhancement of the existing services and development of the new ones aimed at providing family support particularly oriented towards the prevention of children separation from their parents, whenever this is in the best interest of the child, as well as providing support to the families expecting the return of their child from the institutional placement.

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<sup>1</sup> Recommendations of the UN Committee on the Rights of the Child, Committee on the Rights of the Child - Consideration of reports submitted by States parties under article 44 of the Convention, Second and third periodic reports of States parties due in 2013, Serbia, June 2016

Social protection, including child protection, in the Republic of Serbia is aimed at provision of support and enhancement for an independent and productive life in society, on the personal level and in the family, as well as at prevention of occurrence and removal of consequences of social exclusion. The period from 2000 to 2011 of social protection development was characterised by a high level of deinstitutionalisation and significant reduction in the number of children in institutions, which is about 58%. Within the same period, the total number of children in foster care has increased 3.14 times. These indicators classify Serbia among the countries with the lowest rate of institutionalisation not only in the region, but also in Europe (8 children in 10,000).<sup>2</sup>

## **EXISTING POLICIES, STANDARDS AND REGULATIONS**

The system of social protection of children in Serbia, in accordance with the basic principles of the UN Convention on the Rights of the Child and the principles underlying the relevant laws in Serbia, in particular the Family Law, the Law on Social Welfare and the Law on Financial Support to the Family with Children, is oriented towards achieving minimal material security and independence, eliminating the consequences of social exclusion and preventing and remedying the consequences of abuse, neglect and exploitation. The establishment of the objectives of the social protection system is enshrined in the Constitution of the Republic of Serbia guaranteed rights: the right to life, survival and development, the right to respect the best interests of the child, the right to equal treatment or non-discrimination, and the right to respect for the child's opinion, that is, on the child's participation.

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2 The Republic Institute for Social Protection, Annual Report on Work of Center for Social Work 2013

**The Constitution** of the Republic of Serbia explicitly speaks about the rights of the child in Art. 64 which is entitled “Child Rights”. The Constitution guarantees children the right to enjoy human rights appropriate to their age and mental maturity. Additionally, the Constitution in Art. 64 stipulates that the rights of the child are governed by law and guarantee a child a set of individual rights such as the right to a personal name, the entry into the register of births, the right to know their origin, the right to preserve their identity, protection from the psychic, physical, economic and every other exploitation or misuse, the equality of the rights of a child born in marriage and out of wedlock. Art. 65 of the Constitution prescribes special protection of the family, the mother, and the single parent, and in that sense special protection of children who are not taken care of by parents and children who are disturbed in psychic and physical development, as well as protection of children from child labour are guaranteed. Prohibition of the work of children under the age of 15 and ban on work that are detrimental to children’s morale or their health, children under 18 years of age. Art. 68 prescribe children the right to health care from public revenues, when they do not exercise otherwise, and Art. 71 right to free primary and secondary education. In Art. 32 concerning the right to a fair trial guarantees the possibility of excluding the public in order to protect the interests of the minor.

## THE FAMILY LAW - FRAME FOR CHILD PROTECTION

In the **Family Law**, for the first time in Serbia, a corpus of the rights of the child is normatively regulated. The Family Law contains a number of provisions that regulate the right of the child in family relationships (parent and child relationships, adoption, foster care, support, support for family violence, family relations and personal name).

The main direction towards child protection is stated in the Article 6 of the Family Law:

- “Everyone is under the obligation to act in the best interest of the child in all activities related to the child;
- The state is obliged to undertake all necessary measures to protect the child from neglect, from physical, sexual and emotional abuse and from every form of exploitation
- The state is obliged to respect, protect and advance the rights of the child
- A child born out-of-wedlock has the same rights as a child born in marriage
- An adopted child has the same rights in relation to his/her adopters as a child has in relation to his/her parents
- The state is under the obligation to provide a child not under parental care with protection in a family environment whenever possible”.<sup>3</sup>

One of the very important instruments stipulated by the Family Law is the institute of *Supervision over the Exercise of Parental Rights*. This institute is a legal standard which is defined by: 1) the need for personal protection and children’s rights, and 2) an appropriate measure of protection. Supervision over the exercise of parental rights is done by the guardianship authority which has the authority to take protective measures in situations where the rights or interests of the child are endangered by the conduct of the parents, in cases where parents do not exercise their rights and obligations in accordance with the needs of the child. Reaction is conditioned by violation of the standards of parental

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3 The Family Law, Official Gazette of the Republic of Serbia, No. 8/2005, 72/2011

responsibility, and it is contained in a series of different forms and degrees of threat or violation of rights, which relate to the physical and psychological integrity of the child and the conditions for development.

There are two models of the supervision over the exercise of parental rights: preventive and corrective supervision. "Preventive supervision over the exercise of parental rights is performed by the guardianship authority, when it makes decisions, placed in its competence by virtue of this Act, which enable the parents to exercise parental rights".

Under Article 80 of the Family Law, "corrective supervision over the exercise of parental rights is performed by the guardianship authority when it makes decisions that correct parents in the exercise of parental rights. In performing corrective supervision, the guardianship authority makes decisions that:

- warn the parents of deficiencies in the exercise of parental rights;
- refer parents for consultation to a family counselling service or an institution
- are specialised in mediating family relations;
- request that parents submit an account on managing the child's property".<sup>4</sup>

As it was written above, the Family Law represents a reference law for the application of certain standards and principles when deciding on many rights of the child and outside the family protection system, in the education system, the social protection system, etc. (child's capacity to work, child's rights, representation of the child, child's opinion, child's best interest, role of guardianship authority). Although the Family Law does not contain a specific provision in which all the basic principles contained in the Convention are stated, the value of this law is that it respects these principles, and in particular the right to participation and the principle of the best interests of the child.

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4 The Family Law, Official Gazette of the Republic of Serbia, No. 8/2005, 72/2011

## **THE LAW ON SOCIAL WELFARE AND THE QUALITY OF SOCIAL PROTECTION**

The consensus among political, professional, civil society and academia entities that, at the heart of the social protection reform process, there is the need to create a supportive, regulated and enforceable system within which a diversity of community services can develop and operate, has guided the process of development of the Social Welfare Law, adopted in 2011. The main orientations of the reform process were deinstitutionalisation, particularly of children and children with disability. It assumed not only transformation of residential institutions but also development of alternative forms of placement and development of community based services that would respond to needs of the most vulnerable children.

The Law on Social Welfare incorporates all previously adopted policies, and stipulates a series of legal solutions for the implementation of the rights of the child in the social welfare system. Since 2005 Serbia is systematically developing a normative framework which honours the right of the child to grow up within a biological, primarily parental family, achieved through developing services for supporting children and families at the local level. For children who, for whatever reason, cannot live with their parents either temporarily or for an extended period of time and for children without parents (who do not have living parents, or whose parents are unknown or missing), alternative forms or family care and other solutions are developed in order to secure continuity and stability in a safe and stimulating environment, and permanence for the child.

Most aspects of child protection are regulated by the Law on Social Welfare, which gives priority to community services and limits the accommodation in residential institutions (e.g., a ban on the institutionalisation of children under three years old), introduces a system of private actors in the provision of social services and strengthens systems of internal control / control over social protection services. Also important is the Family Law, adopted in 2005, which harmonises domestic legislation with the Convention on the Rights of the Child in aspects relating to the protection of children from abuse and neglect in the family environment, domestic violence, adoption and fostering, as well as ensuring the child's opinion in the administrative and civil proceedings. The Law on Juvenile Offenders and Criminal Justice Protection of Juveniles prescribes a number of measures to improve the protection of minors involved in criminal proceedings as victims or witnesses.

The Law on Social Welfare has introduced the **quality system** which implies:

- defining basic standards of social care services and application of the standards
- implementation of the system for accreditation of training programs and programs for treatment and
- licensing of service providers (organisation-legal entities and professional workers-natural persons) coming both from the private or civil sector. This means that only licensed service providers are able to compete for budget funds used for helping socially vulnerable persons.

The quality system also requires implementation of the system for professional development by applying the lifelong learning concept; this is because services should be provided by authorised competent service providers.

Service provider organisations obtain a license (work permit) by the ministry in charge of social welfare, and professional workers obtain their permit from the Chamber of Social Protection, which was established by the Law on Social Welfare.

Adoption of the Law on Social Welfare made the accreditation process a significant link in the establishment of the quality system. The bylaw Rulebook on Accreditation precisely defines an organisational structure of the accreditation system, programme accreditation standards, as well as actions and procedures included in the accreditation process. Accreditation of a training programme, i.e. service provision programme, in terms of the Law, Article 191, is a procedure in which assessment is made whether the training programme, i.e. service provision programme, aimed at professional workers and expert associates meets determined accreditation standards. Also, the Law emphasises a proactive role and responsibility of users, particularly persons with a working ability, and opens a possibility of activation of users.

At the same time as the implementation of a new Law on Social Welfare, Serbia has started a process of transformation of the residential care institutions. The transformation of institutions included not only a reduction in placement capacities and the enhancement of the quality of protection in these capacities, but also support for the birth family, development of services in the local community, strengthening of



foster care and the development of specialised foster care, as well as enhancement of the system of accountability and independent supervision, in order to ensure conditions for the protection of the rights of the child within the system.

There have so far been achieved very good results in the foster care development. Foster care has significantly contributed to deinstitutionalisation reform of Serbia and more and more children that grow up in foster care tend to reintegrate in their birth families or are adopted and young people who leave foster care are able to successfully transit to independent living.

Eight years after establishing the first regional centres for family accommodation and adoption, the number of children in children's homes is decreasing, and the number of children in foster families is growing, and Serbia is currently one of the countries with the lowest rate of institutionalisation in Europe. The trend of the increase in the number of children in the foster care system has continued since 2012, and in 2016, a total of 3474 children and young people were placed in foster families.<sup>5</sup>

Quality standards in foster families have been set up to provide optimum conditions for the development of children who cannot grow up in their biological family.

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5 Source. Republic Institute for Social Protection, on 27 October 2017  
[http://www.zavodsz.gov.rs/index.php?option=com\\_content&task=view&id=160&Itemid=157](http://www.zavodsz.gov.rs/index.php?option=com_content&task=view&id=160&Itemid=157)

Standards for achieving the best interests of the child in foster care:

- The foster family is chosen from the kinship circle, or among the families that fulfil prescribed standards or obtain license for foster care;
- The selection is primarily done within the area of the child's origin;
- As a rule, brothers and sisters are placed in the same foster family;
- Maximum of three children can be placed in one foster family;
- Each child is prepared for the placement, return in biological family, independent life or some other form of protection;
- The development of the child is constantly monitored, there is a monitored insight into the purpose of foster care, foster families are visited one a month, and more frequently in cases of crises or during the period of adjustment;
- Individual plan of services is made for each child and it is revised twice a year;
- Different forms of support are provided both for the child and foster family;
- The evaluation of foster family is done through individual work and program of training and preparation for the foster care. General suitability is estimated after two years and after that the given license is either extended or subtracted;
- Continuous training of foster families is provided during foster care – foster carers have at least 10 hours of training each year;
- Other professionals also have at least 10 hours of training in the field of foster care every year;
- Foster carers and professionals build a relationship on the basis of collaboration and partnership and they divide shared responsibility for the child.

## OTHER RELEVANT LAWS

**The Law on Health Care** regulates the health care system, the organisation of the health service, social care for the health of the population, the rights and obligations of patients, and other issues of importance for the organisation and implementation of health care. This law prescribes a right for a child to 18 years of age to the highest possible standard of health and health care. However, Art. 11 of the Law on Health Care refers only to children up to turning 15 years of age, school children and students until the end of statutory schooling, and maximum up to 26 years of age.

**The Law on the Prohibition of Discrimination** explicitly protects children as a group. Every child or juvenile has equal rights and protection in the family, society and state, regardless of his or her personal characteristics of parents, guardians and family members.

**The Law on the Foundations of the Education System** prescribes the right to free pre-school, elementary and secondary education (Article 91), as well as the possibility of enrolling children from vulnerable social groups in schools without proof of residence and documentation necessary to solve the problem of education of “invisible children”. Additionally, the Law stipulates that every child has the right to education and education without discrimination, and in particular provides support to children with disabilities who exercise the right to education in the regular system with individual or group additional support (Article 6). The Law also prescribes the adoption of individual educational plans for a child or a student who, due to social deprivation, developmental difficulties and other reasons, needs additional support in education and upbringing, for the purpose of optimal inclusion of the child in regular education (Article 77). In this way, the Law recognises the importance of an inclusive approach to education.

**The Law on Social Housing** recognises children as a particularly vulnerable social group who, under certain criteria, has priority in resolving housing needs. Namely, in Art. 10, the law prescribes the basic criteria for determining the priority order in resolving housing issues (housing status, income level, health status, disability, number of household members and property status) and determines young people and children without parental care as one of the categories that will be prioritised.

**The Law on Juvenile Offenders and Criminal Protection of Juveniles** encompasses standards of restorative justice and promotes the use of non-state forms of reaction, in accordance with international standards and Art. 40 Convention on the Rights of the Child. The Law on Juveniles envisages a number of different measures of non-institutional character and adopts a sanction policy that is individualised to every juvenile perpetrator of a criminal offense and to each individual case and which maximises the principle of education rather than punishment.

**The Labour Law** contains specific provisions that relate to the employment relationship with a person who has at least 15 years of age; that a person under 18 years of age can establish a working relationship only with the consent of the parent, adoptive parent or guardian, and only if such work does not jeopardise his health, morale and education, or if such work is not prohibited by law.

## SOME LEGAL AND PROFESSIONAL STANDARDS IN PROTECTING CHILDREN

In the Republic of Serbia, in cases of abuse and neglect of children, legal standards represent concepts of a high degree of generality. "The risk for proper raising of a child" is the basis for taking the child away from parents, and "abuse of parental rights" or "gross neglect of parental duties" are the preconditions for deprivation of parental rights.<sup>6</sup> "Abuse," "neglect," and "violence against children," say theorists,<sup>7</sup> represent social constructions based on value assumptions and socio-cultural standards that define the attitude towards children. The conflict between the family and the social system of values arises when parents depart from the most widely accepted cultural patterns of behaviour.

Standards in legal actions are defined as legal terms because the law represents the minimum measure determining the basis and manner of social reaction against abuse and neglect of children. The law defines forms of behaviour that undermine a desirable and acceptable attitude towards the child, determines the degree of social tolerance to different standards of raising and upbringing of children and the criteria for state intervention in these processes.

The "*justification of interest*" as a standard implies that state intervention in family relations is permitted if a child's interest is singled out and a special interest is defined and if that interest requires special social protection. Special protection of interests is necessary when those needs are not met by the activities of the parents. "Disadvantages in upbringing and raising children" are in the most direct connection with the notion of "justified interest". Namely, this interest is conditioned by the "shortcomings" in meeting the child's life and development needs and requires compensation to be provided by social intervention. The formulation of the legal basis refers to those forms of behaviour that can be classified as "neglect and disability of the child's development needs", including physical, material, health, educational and emotional needs. "Disadvantages"

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6 M.Obretković, Standards of legal protection of the family, Belgrade, 2001

7 Ibid

primarily denote omission, insufficient or inadequate doing. However, this legal basis would also include some forms of acts that are classified as physical and emotional abuse of the child, provided that the manifest forms and degree of endangerment of the child's personality do not indicate more difficult qualifications.

When it comes to "abuse of parental rights" and "gross neglect of parental duties", the law prescribes the application of the most severe sanction in relation to parents who grossly violate the rights of the child to life and development. The unlawful behaviour of the parents is defined in one of two ways: as an act (abuse of rights) or as an omission (neglect of duty).

## **BASIC INDICATORS RELATED TO CHILD PROTECTION**

The number of children in Serbia is continually decreasing, and the results of statistical assessments and projections indicate a continuation of this trend in 2016. According to the Statistical Office of the Republic of Serbia, there were 1,223,628 children in 2016, while the share of children in the total population of Serbia in 2016 was 17,3%, which places Serbia among the countries with dominantly older population; the average age of the total population in the Republic of Serbia is constantly increasing.

Child poverty rates in Serbia are well above the average poverty rates for the general population, with both the total poverty rate and the child poverty rate being considerably higher than the EU average. According to the 2012 Survey on Income and Living Conditions (SILC), the at-risk-of-poverty rate of the total population in Serbia equalled 24.6%, while among children it reached 30%. At the same time, the EU average child at-risk-of-poverty rate amounted to 19% (Council of Europe, 2014). Empirical

studies have shown that the high poverty rate among children in Serbia is not only the consequence of the low spending on child-related benefits, but is also the consequence of poor design of major benefit programmes. Both the coverage and targeting of child allowance in Serbia are found to be weak: almost 60% of poor children do not receive child allowance, while more than half of those who receive child allowance do not live in poor families.<sup>8</sup>

Children are beneficiaries of rights and services in the social welfare system when their health, safety and development are endangered by their circumstances, or if they are certain that without the support of the social protection system they cannot reach an optimal level of development.

Unlike demographic processes in the general population, in the social protection system, according to the data of the centres for social work, the number of children in the period from 2012 to 2016 is constantly increasing. In the general population of children in Serbia, the number of children decreased by 4% between 2012 and 2016, while in the same period the number of children in the social protection system increased by 14.3%.

In 2016, a total of 202,540 children were registered in Centre for Social Work records. The share of children in the social protection system in the general population of children is 16.6%. The trend of the increase in the number of children in the social protection system from 2012-2016 indicates an increase in the needs of the most vulnerable part of the population for social welfare services, i.e. the need for planning services and expanding the capacity, accessibility and resources of the social protection system in response to the needs of children and their families. Considering that the share of children in the total population of Serbia is 17.5%, there is a noticeable increase in the participation of children in the social protection system, i.e. it is confirmed that children are the most vulnerable category of Serbian population.

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8 J. Žarković Rakic, N.J. Clavet, L. Tiberti, M. Vladisavljević, A. Anić, G. Krstić, S. Randjelović, Reduction of child poverty in Serbia: Improved cash-transfers or higher work incentives for parents?, Belgrade, 2017



When it comes to children without parental care, it is estimated that care and accommodation services are provided for 7,500 children and young people. About 80% of these children are placed in foster families, while 20% are in residential institutions. Children with disabilities are overrepresented in institutional care, making 71% of all children accommodated in social welfare institutions and only 11% of children in foster families. There are significant differences in the quality of care that children receive, and the worst situation in large institutions specializing in children and youth with disabilities in which conditions are poor, children have limited contacts with their biological families, and less than 20% of children have the opportunity to attend school.

The age structure of children on CSW records also shows no greater deviation from the structure in the total population of children. In 2016, as in the previous three years, primary school children comprise 48% of children on CSW records, while there are approximate proportionate percentages of children under the age of 6 and children 15 - 17 years old (children up to 6 years old make up 27% and children aged 15-17 are 25%).<sup>9</sup>

Continuously for the last five years in the system of social protection, the largest group is a group of socially and financially disadvantaged children. In 2016, the share of these user groups of children was 54.8%. Children from this user group use different types of material assistance financed from the republic or local budget (monetary social assistance, child allowance and one-time financial social assistance).

The number of children aged 0 to 3 years in institutional accommodation has stabilised to below 100 children overall. In order to prevent institutional accommodation of infants by emergency procedure and through shelters, more efforts should be made to develop urgent fostering as an alternative to institutional forms of care.

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Source: Republic Institute for Social Protection, Children registered in Social Protection System 2016, Belgrade, 2016

Despite the increase in the number of accommodation and the number of new foster families, the resources of foster families are still insufficient in relation to the number of children waiting for housing. The lack of resources is particularly pronounced when it comes to accommodating children with disabilities and severe health problems. 499 new family accommodation users were registered at the records of the centres for family accommodation and adoption in 2016, which is 37 more children compared to the previous year.

When it comes to children and young people who were accommodated in 2016 (new beneficiaries), for most children and young people, that is, for 82% of children, the foster family was provided in the territory of the same district where the child was resident before arriving at family accommodation. In this way, the standard is fully fulfilled for children to be accommodated on the territory of the municipalities or towns in which they live, in order to facilitate adaptation to the change of the environment, contacts with parents, or to preserve the continuity in the life of a child or a young person.

As in previous years, and in 2016, as the most common reason for using family accommodation as a form of protection, inadequate parental care with elements of neglect and abuse is reported, both at the level of the total number of children and young people in the family, as well as with new users.

Determining the reasons for the accommodation of users is crucial to seeing the circumstances, processes and phenomena that lead to the separation of children from families, as well as planning measures to support families and services that would reduce the risk of allocation. However, this very important area raises a demand for professionals from the social protection system for another survey and systematic monitoring of each separated child from the family.<sup>10</sup>

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10 Source: Republic Institute for Social Protection, "A synthesized report on the work of the centers for family accommodation and adoption for 2016", Belgrade 2016

Violence is present everywhere – at home, in schools, in institutions, on the streets. Although children do not contribute to the creation of such an environment, they are affected the most and suffer the consequences. As data shows, 44% of boys and 42% of girls under the age of 14 have experienced corporal punishment at home; in almost half of all cases of domestic violence, the victims are children; 84% of secondary school pupils have exposed themselves to some form of risk on the Internet during the previous year; about 65% of pupils have suffered violence at least once, and 22% report frequent peer violence; 70% of boys and 68% of girls (grades 6-8) have experienced gender-based violence in school.<sup>11</sup>

There are policies and protocols for dealing with cases of violence and procedures for cross-sectorial coordination in the protection of women and children against violence are defined. However, for more complete protection, there is a lack of community support services, especially preventive-counselling and specialised support services for children from vulnerable groups and their families.

Data shows that the number of reported cases of domestic violence increased, which could be the result of a higher level of system sensitivity to domestic violence. In the school environment, two thirds (about 67%) of primary school children report some form of peer violence, with 22% pointing to repeated violence over time. The risk of digital abuse and violence over and among children is becoming more visible. A survey conducted in 2012 among school-age children shows that almost 20% of students in Serbia have experienced some form of violence through social networks.

One of the very significant problems related to institutionalised children is the inclusion of children and young people in education institutions. Although the real coverage of the corresponding levels of education by age cannot be calculated due to the lack of micro data, there is a very high proportion of children who are not enrolled in regular

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11 Violence against Children UNICEF Serbia, [https://www.unicef.org/serbia/activities\\_29427.html](https://www.unicef.org/serbia/activities_29427.html) on 21st October 2017

or special education (pre-school education, regular primary and secondary schools, or special schools for children and youth with disabilities). Namely 84% of children and youth in homes for children and youth and only 30% of children in dormitories for children and youth with disabilities attend some from the mentioned types of education. Involvement in education completely excludes these children and young people from the society and community, and in the long run connects them to institutions of a residential type and turns them into completely dependent and excluded members without any resources.

Children who find themselves in contact with the judicial system – either as juvenile offenders, victims or witnesses of criminal acts, or as stakeholders in civil proceedings – mainly come from vulnerable and marginalised segments of society. For children and youth with behavioural problems, there are institutions for the upbringing of children and youth which provide care, education and training, vocational training and health care for those children and youth, and undertaking in appropriate measures to prevent further violation of social norms, the commission of offenses and the commission of criminal offenses. According to Article 127 of the Law on Social Welfare, educational measures are implemented for the upbringing of children and youth in accordance with a special law. Regarding the method of sending children to the institutions, in 2016, similar to previous years, 45% of users were sent to the institution by court decision, and 55% of beneficiaries are placed in departments by the guardianship authority.

In Serbia, between 3,100 and 4,000 offenses committed by children are reported every year. 3% of reported children in conflict with the law are sentenced to juvenile prison or closed correctional institution. Of this number, between 3.5 and 5.5 percent are institutional sanctions, while other sentences represent different types of extra-judicial or alternative sanctions. Out-of-court sanctions are the most common warning measures, enhanced supervision of parents or guardians, and “special obligations” that are reduced to administrative procedures rather than on consistent work with minors in order to reintegrate and inculcate them.

With regard to street involved children, since the establishment of Drop In Shelter in 2007, 1024 children and young people have been using the Drop In Shelter. In 2016 alone, the service was used by 295 boys and girls. Out of this number of children, 86% were involved in the education system, thanks to the engagement of the expert team of the Drop in Shelter. In average, during one year, 30000 meals are served in the Drop in Shelter and conditions for almost 10000 baths are provided. Currently, the Drop In shelter service has more than 350 beneficiaries. On a daily basis, more than 60 children visit the Drop in shelter in both locations.

Street involved children are exposed to the risks of sexual and labour exploitation, violence, and discrimination. These children and their families live in extreme poverty, mostly in informal settlements, often without access to running water and electricity, and in a large number of cases without personal documents and access to institutions. The Drop in Shelter is the place where children come voluntarily and freely and feel safe and accepted, as well as a place they recognise as their own. It offers an alternative: in spending more time in the Drop in Shelter, children will spend less time on the street. The Drop in Shelter is a place where children adopt the skills they need to function equally in society. From the very beginning, children are participating in the development process of the Service. The care, attention, love and support that the child receives in the Drop in Shelter is recognised not only in the progress of each child, but also in the influence that all this has on their wider environment - parents, brothers and sisters and other members of the community.

In the Drop In Shelter, children can fulfil their basic needs (meals, clean clothes and footwear, personal hygiene). Through the support of Drop in Shelter service, in the long term, children begin to attend school; they connect to the system and stop working and spending their time in the street. Instead of spending over a million hours on the street, these children spent their time in warm place, playing, learning and socialising while being provided with cooked meals.<sup>12</sup>

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12 Source: Center for Youth Integration, 2016.

## OPINIONS OF PROFESSIONALS

Interviews were conducted with three professionals, coming from the academic community, a social welfare public institution and from a civil society organisation:

### 1. Personal data (name and surname, sex, profession, institution where you are employed)

- Suzana Mihajloviæ Babiaæ, Assisting professor, University of Belgrade - Faculty of Political Science
- Ljiljana Popovic, Special Pedagogue, Republic Institute for Social Protection and
- Sasa Stefanovic, philologist, MODS Network of Children's Organisation of Serbia

### 2. The role that you have in the design / development / adoption of child protection laws?

- a) Describing and analysing the trends of poverty and social exclusion of children in the national context (analysis of national-specific poverty indicators, as well as indicators of the European Union; defining particularly vulnerable sub-categories in the population of children; defining the risk factors for the exposure of children to poverty and social exclusion).
- b) Describing and analysing the implementation of social protection programs directed at children at risk of poverty and social exclusion in the national context (analysis of the design of the program for the protection of children at risk; analysis of the administration of benefits and social services from the social protection system for children at risk; needs analysis and challenges from the user's point of view of benefits and child care services).

Submitting proposals and recommendations to the competent Ministry, and participating in various working groups formed by the Ministry.

From the position of civil society, we are trying to promote a participatory democracy that would allow us greater participation in the adoption of laws. As a network of children's organisations, we are trying to inform our members, associations working with children about new law proposals, and we invite them to submit their comments, suggestions of the proposals. We try to shape and articulate in the consultative process recommendations and amendments that will be argued, based on evidence, on the needs of users, children and parents. We rarely have the opportunity to have one of our members in one of the working groups that draft bill drafts. Usually, we have the opportunity to react when the draft law becomes public, or when the opinions of all ministries are already passed ...

### **3. What role do you play in the application and monitoring of child protection mechanisms?**

Critical reception of mechanisms for the quality of children's protection through scientific articles.

Supervision and control is performed by the Ministry, the Republic Institute for Social Protection provides professional support to social welfare institutions



Speaking from the position of a federation of associations, such as MODS, one of our priorities is to monitor the way in which and how to exercise the rights of the child. There are no independent monitoring mechanisms that would enable us or our members to, for example, visit institutions and evaluate the quality of child protection. This is ad hoc, not a systematic or systemic solution. Our MDRI-S member visited the children's facilities. The first report caused a scandal and a stir in the public, as they showed photographs from institutions that shocked the public and made institutions to urgently address this problem. The open club from Nis conducted partners with the monitoring of the inclusive education in 20 schools in Serbia. On the quality of implementation they could speak indirectly / determining whether the fulfillment of the administrative obligation of the employees, the completion of documentation, whether there is supporting documentation, whether / have been provided with assistive technologies ... but no one directly followed work with children...

In the field of child protection, MODS has conducted with its members a research which should be the base line for Serbia, to determine where they exist and how to implement protocols for the protection of children from violence that should ensure coordinated and temporary protection of children against violence. In the first phase, at the very beginning, the problem was encountered, for which reason the methodology had to be adapted and changed. No one expected local governments to know if they had signed protocols. That's why all available protocols have been collected and analyzed. This fact itself is quite indicative of the quality of work and the implementation of protocols.

In co-operation with MODS members, we monitor the progress made in EU integration and regularly deliver a contribution to the EU report on progress in European integration.

As MODS we have adopted the Code of Ethics, which also contains basic standards of work with children whose application should provide the minimum quality in work with children and their protection. We have translated the Guidelines for Eurochild, a European Network of Organisation for Children, on the protection of children that will help us to develop our national, whose application should ensure quality in the protection of children. For our members, we organised a workshop on the topic of procedures and the application of standards for the preservation of children's safety. Any organisation that works directly or indirectly with children must have a developed Child Protection Policy and guidelines that accompany its implementation. The guidelines must be in line with local, national legislation and the application ensure the protection of children and a quick and chained reaction.

On our site, there is only a section for members to find suggestions of guidelines and procedures that every organisation working with children must have and respect.

#### **4. Are there specific procedures for monitoring institutional care for children?**

Procedures for monitoring the institutional care of children in the specific case of family withdrawal are established at the national level, implemented by the Centre for Social Work, or an expert worker who usually takes the measure of placement under custody for a child separated from the family in the institution. Procedures for monitoring institutional care of children for the republican level are probably performed by the Department for Family and Social Care at the Ministry of Labour, Employment, Veterans' Affairs and Social Affairs, which has in its scope of activities: monitoring the legality of the work of social welfare institutions, over professional work.

The Department for Inspection Affairs in the Ministry supervises the institutional care of users.

There is no built-in independent mechanism for monitoring institutional care of children that would enable it to citizens' associations. This is possible, if there is a project and a permit from the competent ministry and institutions. Bearing in mind the character of institutional care, it is clear that there should be independent monitoring mechanisms

## 5. Are there standards and frameworks for monitoring the protection of particularly vulnerable groups of children, such as, for example, victims of violence, victims of human trafficking, etc.?

In the field of child abuse and neglect, with the aim of undertaking actions in accordance with the 2005 National Action Plan for Children, the General Protocol for the Protection of Children against Abuse and Neglect has been adopted with the tendency to adopt a set of specialised protocols in various fields (as a result, one of the following protocols: a special protocol of the health care system for the protection of children against ill-treatment; a special protocol for the protection of children and students from violence, abuse and neglect in educational institutions). According to my data, for now there are no specialised frameworks for monitoring the protection, nor for dealing with cases where children are victims of trafficking, the procedure is the same as for adult persons.

The Republic Institute for Social Protection, through the process of analysis of the annual reports on the work of the social protection institutions, monitors the process of protection of all social welfare beneficiaries.

There are international standards for the protection of human rights and the rights of the child, which require the state to take measures to protect victims, and to call the perpetrators accountable. Accordingly, procedures and existing measures should be in that spirit and meet the highest standards. To my knowledge, the data and monitoring of protection against violence is carried out by the Republic Institute for Social Welfare, which collects data from the Centres for Social Work. Unfortunately, some of the data provided by the Centres for Social Work is not trustworthy and insufficiently reliable.

Plans to innovate General and specific protocols for the protection of children against violence, and the development and adoption of local protocols could contribute to improving monitoring of protection and overcoming past weaknesses in the collection and monitoring of protection / starting from recognising and determining the type of violence, and reporting and responding .

## 6. How does monitoring of the implementation of public policies in child protection work - to describe in more detail? Who are the allies in securing monitoring?

Monitoring of public policy in child protection is most often initiated by international governmental and non-governmental organisations that provide expert support in evaluating current measures and programs in child protection in the Republic of Serbia, based on these findings, suggest concrete recommendations for the adoption / amendment of laws and bylaws. The most important partner of the Government in the past period was UNICEF, as well as civil society organisations dealing with issues of migration, trafficking and abuse, and specialised in a certain part of their research and on the population of children.

Monitoring is also carried out by the Ministry, occasionally looking for reports.

As an alliance of associations strive to conduct consultations with its members, identify organisations that have special expertise in certain areas, organisations that work directly with children and parents. In cooperation with them, we determine what is out of what is public policy is fulfilled, what should be improved. Our associations, children and parents are our biggest allies. Unfortunately, we have not developed sufficiently well the mechanisms for the participation of children who need to be the most helpful in monitoring public policies. We need to ask them first because they concern them and are influenced by the policies we follow.

Then, we try to establish cooperation with institutions / Republic Institute for Social Protection is a significant partner because it collects a large number of relevant data that indicate that certain policies are being implemented by international organisations such as UNICEF. We cooperate well with SIPRU....

**7. How do you assess the quality of the child protection control system? What is, in your opinion, the ultimate goal of overseeing the implementation of public policies in child protection, how it works in practice, strong and weak points, missing elements, voice of children and families, donor or EU recommendations, UN institutions, transparency, accountability).**

The child protection control system is primarily aimed at monitoring the legality of the work of institutions and institutions, as well as professional workers, taking little or no consideration into the effectiveness of the undertaken activities and measures of professional workers. The surveillance system is hierarchically organized on the basis of the Centre for Social Work-Ministry, where it is most often handled by application to the Ministry, while the inspection supervision includes a small sample of children from the social protection system. Subtle determinations as the “best interests of the child” remain in the domain of arbitrary assessments of professional workers, some of which are not suitable for professional workers in the educational profiles of professionals working in the services that deal with children. The family and children do not have a major influence on the decision-making process in the social protection system. The lack of research by the competent Ministry on the weak points of the social protection system, the fact that all data for such an analysis is available.

The Ministry of Justice is responsible for the child protection control system. The recommendations of the EU and other institutions are largely declaratively accepted.

There are general and special standards for social care services that need to ensure quality, there are requirements for working with children and users of licensed persons in social protection, to operate according to the programs that are being activated ... all this should guarantee the quality of work with users. The impression is the colleagues with whom we cooperate to insist more on material conditions than on programs and direct work with children, how and to what extent they are progressing, how satisfied they are, it is forgotten that when a service is provided, it is necessary to enable, first of all, he / she has no service, that is, she has no purpose ...

The monitoring of public policies should ensure that, firstly, we see a consistent policy for children - if it is said that our family support, prevention of separation is our priority, we can not at the same time build new large buildings for children and adults.

We need to work more, among ourselves, organisations, to recognize institutions such as the RHSS, and to have a mechanism, sustainable, for the participation of children, and to ask those for whom laws are passed.

## **8. Are there working groups for child protection? Is civil society a part of them?**

In 2009, a working group for children's rights at the Poverty Reduction Committee of the National Assembly of the Republic of Serbia was formed, the members of the working group cooperated with the civil sector, and the participant of the working group was UNICEF. Also, there was a Special Working Group for the Protection of Children from Abuse and Neglect in the Ministry of Health. Under the auspices of the Provincial Institute for Social Welfare and in support of UNICEF, working groups for creating standards for social services for children with disabilities were in place.

At the national level, this should be the Children's Rights Council, and civil society organisations have their representatives in the Council and other working groups formed by the Ministry.

There is a Council for the Rights of the Child of the Government of the Republic of Serbia. A representative of MODS is in the Council. We expect that the Council will soon have its constituent session ... and it will work. There is a Working Group to develop a Strategy for the Protection of Children against Violence. MODS has a representative in the group and collects and integrates inputs from its members ... There is a Committee on the Rights of the Child, Assembly, inactive ... and has no law to deal with. Can deal with everything, not dealing with anything.

## **9. What are disturbing and which mitigating factors when it comes to quality supervision of child protection services?**

The disturbing factors are those arising from the lack of inspections dealing with the supervision of child protection services, the lack of specialised inspections for different segments of the detriment of the rights of the child. A mitigating factor is the hierarchical structure of the social protection system, resulting in an effective approach to supervision when there is an indication that the right of the child is compromised.

Supervision is not regular and there is no continuity, probably due to the lack of staff in the Ministry.

Human resources and advantage and weakness. It is necessary to have experts who are motivated, educated, sensitive, who will bear in mind the best interests of children, who will have enough time and support, supervision ....  
Supervision must be independent, professional, objective, professional, to respect the basic principles of the Convention on the Rights of the Child ....

**10. Are there any identified promising practices on integrated care for children at risk (for example, children who are victims of violence ...) both in and out of the country?**

A positive example is the application of educational orders for juvenile perpetrators of criminal offenses, which has recently been incorporated into the social protection system, which allows a young person to successfully leave the social protection system with the least consequences and with the strengthening of his own capacities through the guided process.

In Serbia, the family and child support service, called "Family Associate", has proven to be very effective and necessary for our social protection system.

[http://www.zavodsz.gov.rs/index.php?option=com\\_content&task=view&id=481&Itemid=481#\\_ftn3](http://www.zavodsz.gov.rs/index.php?option=com_content&task=view&id=481&Itemid=481#_ftn3)

In the world and in the environment (in Croatia, in Zagreb) there are centres for the protection of children from violence, where in one place all the services dealing with the child work in order to avoid its secondary traumatisation ... police, doctor, therapist, the child is being recorded, the questions are adapted to the age of a child ....



**11. What is the role of the family in the child protection system (what should it be)? (This should reflect the ability to assess whether the best solutions are accepted/implemented, for example, solutions that also take into account the environment of the child. For example, do we have cases where children are displaced from the family strictly due to poverty, without efforts made to support the family and offer an alternative)**

The role of the family in the social protection system has not yet evolved into the role of equal partner and coordinator in contact with representatives of the social protection system. The family is taken as a passive object of intervention, where childcare is interpreted as being primarily directed at the child, but not on the family as a whole. Often responding to problems such as maltreatment and neglect of children ignore the causes of such problems, there is no support to the family to prevent the separation of children from the family. On the other hand, from reforming to foster care as opposed to accommodating in institutions, the strengths of the family environment for the foster care and the child's survival in the previous environment are recognised. Cultural-competent practice in working with children in the social protection system should be developed, especially due to the existence of different cultural forms that shape family relations, especially in working with children from different ethnic communities within our country or children from migrant families.

There are family support services in our social protection system, but they are still not sufficiently developed and sustainable.

The system will say, the state, that children are not taken away because of poverty, but it is a big risk and one of the factors that will influence the child to be taken away, on the pretext that the child is neglected. Children live in cardboard houses on the street, and these issues require simple solutions - house, accommodation, water, infrastructure, education ...

Procedures for interdisciplinary assessments have been developed. We are not sure how much it really is in practice and is being implemented. There are mechanisms that require cooperation in the assessment and protection of children, but we still have children who are on the street, proud, do not go to school ... This is indicative and it gives the answer that there is no intensive support or regular checks ...

**12. Does monitoring / control function works in a multidisciplinary way?**

The impression is that precisely because of the aforementioned hierarchy in the process of supervision in the social protection system, primacy is taken over by the competent ministry.

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**13. Does monitoring include regular checks of cases within the system in order to detect systemic problems?**

Monitoring involves random checks of cases in order to determine possible omissions in work, but the impression is that such checks do not take place in regular cycles. In addition, inspection supervision is mainly concerned with the fulfilment of formal presumptions in the management of documentation and compliance with the law and regulations, but not the essential possibilities that something could have been done more effectively in a specific case.

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#### 14. In your opinion, how it would look like an ideal child care system?

The ideal child protection system would include a family focus in the context of providing a wide range of preventive support to the family in order to prevent risk. Every child should have access to monetary benefits arising from the law on the principle of universalism, with the automatic linking of these rights to additional monetary assistance or support in kind at the level of local self-government. Also, from the point of view of the risk of poverty and social exclusion, the benefits prescribed at the national level need to be combined with available social services. The Centre for Social Work should assume a role in providing better access to rights of the social welfare system, considering the family as a complex system and not focusing only on one aspect of the problem that the family has accessed to the social protection system. The Centre for Social Work should take a more proactive role in linking all available benefits and services to the family, if the family is indicated for them.

Improved home and family accommodation as temporary forms of protection, developed and established intensive services to support the biological family, as well as a range of services and programs for support to children and the family.

In the first place, the participation of children, the children are asked, their voices are respected, it does not appear that separation of the family does not come, parents support / counseling, employment, a combination of financial help and services are provided, they have access to favorable and free early development services , education, protection from violence, living conditions.

**15. Do things change as a result of monitoring reports? If they change, what and how it has changed?**

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The social protection reform lasts for a very long time (since 2000), and the changes are happening very slowly. There are positive changes in the reduction of institutional care for children.

I am a paradigmatic example of the 2007 MDRI report that led institutions to embark on the process of institutional reform and the transformation of institutions ...

**16. Do you estimate that there are other key actors to be interviewed about the topic of child protection?**

Professional workers of the Centres for Social Work who are engaged in services that deal with children; children in the social protection system; representatives of local governments dealing with activities related to the protection of children.

In charge of control and monitoring from the Ministry.

Center for Social Policy, NGO Atina.

## **17. Specific recommendations for improving the practice of child care in Serbia?**

The introduction of a children's additive according to the principle of universalism, in contrast to the existing system based on income check; assessment of the needs for services in local communities directed at children at different risks; development of services that strengthen the capacities of parents for parenting in the centres for social work.

Making decisions related to the process of transformation of social protection institutions, with the possibility of establishing regional centres for children and families with different resources for supporting children and the family, establishing control and supervision of all foster families, and other service providers, providing necessary human resources and technical resources for employees in social welfare institutions, especially in centers for social work, selection in employment in the child care system, providing continuous professional development and system of control and regular supervision of the work of professionals in social protection.

Each organisation must have developed policies and guidelines for the protection of children in accordance with the Convention on the Rights of the Child.

## **STRONG POINTS OF THE SYSTEM**

The Family Law adopted by the National Assembly of the Republic of Serbia on 1st July 2005 proscribes the obligation on the part of the state to respect, protect and promote the right of the child and to undertake all necessary measures for the protection of the child from neglect, physical, sexual and emotional abuse and from any form of exploitation (Article 6).

The right of the child to protection from physical and mental violence, abuse and neglect, inhuman and humiliating acts and punishment, all forms of sexual exploitation and sexual abuse, abduction and child trafficking and any other form of exploitation harmful for any aspect of the well-being of the child, is also contained in international enactments ratified by our country, particularly, the UN Convention on the Rights of the Child, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

Child-related laws and policies are primarily implemented by relevant line Ministries and their decentralized entities, as well as local self-governments. In 2002, the Government established the National Council for Child Rights (CCR) as a cross-sectoral body, with representatives from relevant line Ministries, civil society and independent experts. However, since 2010 the Council's functioning has been erratic. The protection of child rights also has been improved by setting up independent institutions, namely, the Protector of Citizens (one of whose deputies is responsible for child rights) and the Commissioner for Protection of Equality. In 2012, the Committee on Child Rights of the National Assembly was established to oversee the mainstreaming of child rights in national legislation. Improvements in the general legislative and policy framework and setting up of institutional vertical and horizontal mechanisms to support child rights have greatly contributed to the realization of these rights in terms of child development, protection and participation.

Discrimination in Serbia is forbidden by the Constitution and anti-discrimination laws, and equality before the law and equal legal protection is guaranteed to all citizens, irrespective of their personal characteristics. In addition, it is explicitly stipulated that the introduction of special measures to achieve full equality, protection and progress of individuals or groups of individuals in an unequal position does not constitute discrimination.

Regarding the Law on Education, Art. 45 as well as Law on Social Welfare, Art. 14-15, all authorities and staff in the education and social services sectors are required to report allegations of violence against children. This obligation has created a strong reporting mechanism amongst various actors of the community who are able to identify and report situations of violence. Serbia also hosts reporting mechanisms for children. A hotline for children encourages self-reporting and peer-reporting and is operated, with government funding, by a member of civil society. The National Ombudsman's Office also operates an online tool that allows for complaints.<sup>13</sup>

In recent years significant progress has been achieved in providing access to community based services for the most vulnerable groups. The number of children with disabilities referred to day care by the Centres for Social Work also more than doubled between 2009 and 2011, and in 2016, 238 children were using day care services in Serbia.<sup>14</sup>

An analysis of the impact of community-based services for families with children with disabilities showed that after one year, 61% of parents believe the service has fully met their expectations in terms of support to the family, development of the child, and networking and visibility in the community. The service also has been cited as contributing to reducing family stress, which is a key indicator of the importance of community-based services. Notably, parents recognised the need to be more informed of their rights, in order to be connected and empowered.<sup>15</sup>

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13 Child Protection Index 2016, MODS

14 The Republic Institute for Social Protection, Children in Social Welfare System 2016, Belgrade, September 2017

15 Žegarac et al., When Wednesdays Become Sundays: Community-based services for children with disabilities and their families, Faculty of Political Science of the University of Belgrade, Centre for Research in Social Policy and Social Work, Belgrade, 2014.

## THE WEAK POINTS OF THE SYSTEM

First of all, there is a need for clear definition of the child. The legislation of the Republic of Serbia does not clearly state the definition of a child that would be generally valid. The Constitution of the Republic of Serbia uses the term “child”, meaning under this term all persons who are not adult, or who have not attained the age of 18. Family law also uses the term “child”, without clearly defining this term, and it also means that those who did not attain the age of 18. The Law on Juvenile Offenders and Criminal Protection of Juveniles uses the term “juvenile”, which means a person 14 years and not 18 years old, and distinguishes the term “younger juvenile” for a person reached 14 and did not reach the age of 16 and “an older minor” for a person who had reached 16 at and not attain 18 years of age. The Law on Social Welfare besides the term “child” introduces a new term “young”, also without defining what is meant by this term. For everything ahead, it is necessary to clearly and precisely define the concept of a child.

In the previous decade, Serbia intensified efforts to reform legislation and public policy in areas relevant to child rights, including changes in legislation with regard to education, social policy, health, justice and anti-discrimination provisions. National legislation incorporates principles of a child-oriented approach, respect for human rights, and social inclusion, which makes it to a large extent compliant with international standards. Significant efforts also have been made to introduce comprehensive reforms that ensure mechanisms to implement newly introduced affirmative measures for vulnerable populations. However, a very weak economic situation reflects on the sustainability and low budgetary allocations for child-related sectors, which puts the implementation of reforms at risk and may increase structural inequalities. In this context, implementation of reform processes thus remains overly dependent on external resources, including EU pre-accession funds.

Serbia maintained a centralised social and child protection system and gave one part of the responsibility for development of community social services, as well as founding rights for CSWs, to local self-governance units. However, a regional level is missing, which is necessary for efficient functioning of various systems, including the social welfare system, in a country of that size.



Although there are numerous measures and services within the system of social protection supporting the family, enhancing its capacities and mitigating its difficulties, there is still a clear lack of services and measures that, more directly, through a holistic approach, may support, enhance and educate the family, representing the family's interests before different systems and in the society. On the one hand, it is necessary to develop new services in this field, and on the other hand, it is necessary to provide better coordination, not only of the existing measures and support, not only within the system of social protection, but also from other systems of support of the family or its members (health care, education, employment, legal system, etc.).

Community-based social services have been expanded, but their sustainability and linking of services into a system remains open. Additionally, it is necessary to make appropriate analyses of to what extent the community-based social services developed so far actually respond to the needs of children and their families in a community and how are priorities being determined.

The Law on the Foundations of the Education System gives greater importance to the cooperation of the school with the family and with the local community. The school management authority consists of three representatives of employees, parents and local self-government. However, cooperation with parents is not set in the Law as an obligation, nor there are control mechanisms for assessing the quality of establishing cooperation with family and the local community, the implementation of these legal provisions is called into question.

## MISSING IN THE SYSTEM

The Republic of Serbia has the Committee on the Rights of the Child, which is a permanent parliamentary body with a clear mandate to consult on matters pertaining to child protection. However, current mechanisms are not functional and there is insufficient policy coordination among different levels of government and competent departments. Therefore, the CPI Country Report recommends that “Serbia creates or rehabilitates permanent mechanisms to ensure coordination of child protection policy between various levels and sectors of government and include budgetary analysis on:

1. the proportion of overall budgets devoted to children,
2. disparities between regions, rural/urban areas, and particular groups of children, and
3. the most disadvantaged groups of children.<sup>16</sup>

Serbia still has to put more efforts in the following areas: tackling child trafficking and child labour issues; enabling a more effective coordination within the child protection system; providing better care for children with disabilities and in collecting relevant data and monitoring the child protection system. In addition, the present report includes information on how other countries in the region introduced key reforms in areas where Serbia’s current policies do not comply with the UNCRC.

Every child has a right to live in a family. There is no better environment for a child than the family one. Therefore, it is necessary to pilot new services and to enhance the existing ones directed towards the prevention of the family separation, whenever this is in the best interest of the child.

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16 Child Protection Index 2017 - Serbia, MODS, 2017

## A CHANNEL FOR VOICE OF SERVICE USERS (CHILDREN AND FAMILIES)

As it is stated by the Article 19 in the Rulebook on minimum standards for providing social services, service providers are obligated to conduct a survey among service beneficiaries in order to check out their opinion related to the organisation of the service and "... service provider carries out the service at least once a year has to make evaluation of the quality of services provided, which involves **testing beneficiaries' satisfaction, or satisfaction of their representatives**".

## SOME RECOMMENDATIONS BY INTERNATIONAL DONORS

**The EU Progress Report 2016 for Serbia** denounces:

- *lack of coordination within the child protection system and the fact that: "efforts should be made to ensure uniform implementation of policy." The Progress Report notes that "On rights of the child, the national plan of action for children expired in 2015. The National Council on the Rights of the Child remained inactive."*
- *"There is a need to organize assistance to children living and/or working on the street on a local level." Also the document emphasises that "violence against children remains a serious concern. A new national strategy for the prevention of and protection of children from violence still needs to be developed. There is a need to align the legal framework and statistics with international standards on child abuse."*
- *"children with disabilities in large institutions face particular difficulties as regards access to education," and includes recommendations on the topic: "Concerning the rights of persons with disabilities, the situation remains very difficult, in particular as regards access to services. [...] Efforts are needed to increase the participation of persons with disabilities in education, and to implement a comprehensive plan on access to facilities for persons with disabilities, elderly people and social vulnerable people. Placement and treatment in social institutions of people with psychosocial and intellectual disabilities is still not regulated in accordance with international standards. Procedures for depriving people of their legal capacity and for assigning guardianship should be aligned with international standards."*

**The Screening Report of the European Commission on Chapter 19 – Social policy and employment** had previously mentioned that “The most frequent services currently are home help and care and day-care centres. 65 % of all municipalities in Serbia have some kinds of services for children with disabilities. However, although community-based services are considered as a priority, funding for these services remains unstable.”

## INSTEAD OF CONCLUSION

The current situation in the field of the protection of children’s rights in Serbia, when it comes to families in which the security and safety of children and the growth and development conditions are threatened, indicates that our system contains a number of measures aiming at protecting children from adverse conditions in their families, and that there are much fewer services and measures by which the society sought to preserve and strengthen the family, in order for the children to experience security, stability and the conditions for growth and development therein, and accomplish their best interest.

The Action Plan for Negotiation Group for Chapter 23, in the EU Accession process, states that the Republic of Serbia is committed to protecting the interests of the child by strengthening its biological family and to provide the following by 2019: establish Centres for Family Support in 4 cities, in the context of the transformation of the residential institutions for children; define standards for intensive family support services and set up the system of financing the intensive family support services.<sup>17</sup>

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17 Piloting the Family Outreach Service and Evaluation of the Service Provision Outcomes - study summary, Republic Institute for Social Protection, 2016.

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