



Universal Periodic Review of Serbia

43rd session, April - May 2023

Submission of SOS Children's Villages Serbia

(Belgrade, 10 October 2022)

For more information, please contact:

Maja Simic

Programme Development Advisor and Advocacy

maja.simic@sos-decijasela.rs

www.sos-decijasela.rs

I. INTRODUCTION

1. SOS Children's Villages Serbia presents this submission concerning the rights of the child in Serbia for consideration by the UPR Working Group at its 43rd session (April – May 2023).
2. SOS Children's Villages Serbia is a humanitarian non-governmental organization, dedicated to the well-being of children, caring for children without parental care, strengthening the families and communities in caring for their children and preserving their safety, as a preventive measure against child abandonment and neglect. We have been present in Serbia since 2004, through the care of children without parental care in SOS Children's Village Kraljevo, Family Support Centers in Nis, Belgrade and Kraljevo, Youth Employment Support Program in Belgrade, Emergency Aid Programs implemented after the earthquake in Kraljevo, the flood in Obrenovac and Lazarevac and the Emergency Aid Program for refugees transiting through Serbia. We are a member of the international organization SOS Children's Villages.
3. This report is based on the assessment of the commitments made by the Government of Serbia to implement recommendations on children's rights accepted at its previous UPR. Data and information for this submission was obtained from various sources, including desk research and analysis of relevant international and national legal and policy frameworks on children's rights and first-hand information from our programmatic work in support of children and youth.
4. The report addresses two main topics: (1) the explicit prohibition of corporal punishment and violence against children in the family (2) support to the biological families where there is a recognized risk of separation of children.

II. THE EXPLICIT PROHIBITION OF CORPORAL PUNISHMENT AND VIOLENCE AGAINST CHILDREN IN THE FAMILY

A. Third-cycle UPR Recommendations

5. At the last UPR, Serbia received several recommendations by other Member States calling for the explicit prohibition by law of corporal punishment in all settings¹.
6. In addition, the Committee on the Rights of the Child recommended Serbia to explicitly prohibit corporal punishment in legislation and to promote non-violent forms of child upbringing through awareness campaigns².

B. Legal and Institutional Framework

7. In the period from 2017 until 2022, Serbia has had three Governments, with the new one currently awaiting formation. The constant process of pre-elections and post-elections processes and the limited expiration date of each government have slowed down and often postponed the process of adopting several important laws and by-laws in the area of social protection, family protection and protection of children's rights.

¹ A/HRC/38/17, 18 April 2018, recommendations 114.89 (Kyrgyzstan), 114.90 (Estonia), 114.91 (Montenegro), 114.92 (Portugal), 114.93 (Austria), 114.94 (Chile), 114.95 (Uruguay), 114.96 (Slovenia).

² CRC/C/SRB/CO/2-3, 7 March 2017, para. 37.

8. Due to the bad demographic picture in the Republic of Serbia and the low birth rate that has been present for several decades, with the formation of a new temporary Government (2020), a new ministry was created called the Ministry of Family Care and Demography. In addition to the desire to increase the birth rate, one of the main goals of the newly created ministry is to address family well-being.
9. This resulted in the transfer of responsibilities from the Ministry of Labour, Employment, Veterans and Social Affairs to the Ministry of Family Care and Demography, which took some time, and also slowed down the process of several reforms in the area of family protection and protection of children's rights.
10. The reporting period was also marked by the COVID-19 pandemic and all the challenges that came with it. Government priorities shifted to providing urgent support packages to the health system, groups at risk, vulnerable people and the economy. In addition, the crisis caused by the pandemic has put vulnerable families in an even more difficult position due to the struggle to maintain economic independence, but also due to the fact that social protection services have become even more distant and inaccessible to them due to the lockdown.
11. The starting points for the Special Working Group for Drafting the Law on Amendments to the Family Law were to introduce the prohibition of corporal punishment of a child as an educational discipline method and the abolition of child marriages.
12. Similarly, the Draft Law on the Rights of the Child and the Protector of the Rights of the Child, that waits to be adopted since 2019, provides an explicit prohibition of corporal punishment and a detailed definition of such behaviour.
13. Moreover, upon the proposal of the Council for Children's Rights, the Ministry of Labor, Employment, Veterans and Social Affairs, with the support of UNICEF, has developed the Strategy for the Prevention and Protection of Children from Violence for the period 2020 - 2023.

C. Promotion and Protection of Human Rights on the Ground

14. The law still does not explicitly prohibit corporal punishment of children, but the new Family Law, the Law on the Rights of the Child and the Protector of the Rights of the Child will explicitly prohibit corporal punishment of children in all settings once adopted.
15. As for the Draft Law on the Rights of the Child and the Protector of the Rights of the Child, an entire chapter of this law is dedicated to the right of the child to protection from any form of violence, abuse, neglect, exploitation, sale or trafficking of children.
16. Serbian society is deeply traditional and patriarchal, and violence in various areas of life, especially in the family and in child-rearing, is deeply rooted in the values of the society, and often considered normal and acceptable.

17. The announcement of the prohibition on corporal punishment of children under the law provoked strong and mixed reactions in society, but also in some academic and professional circles.
18. Some steps were undertaken to increase the protection of children's rights during the reporting period, such as the adoption of a new General Protocol for the Protection of Children from Violence (February 2022). The General Protocol defines and describes in detail more than 20 forms of violence against children. Other institutions and organizations whose activities involve working with children are advised to adopt special protocols for their work, in accordance with the principles of the General Protocol.
19. UNICEF conducted research (2020) regarding educational discipline to children in the family and the results show that the majority of parents reported having used some form of physical aggression as a means of disciplining their child at least once in their child's life (63%).³
20. The findings show that when parents are physically aggressive, they usually hit the child on the buttocks with their hand as a form of corporal punishment (36%) of them. A relatively small number of parents (6%) used hard objects (such as belts, brushes and sticks) to hit the child; 7% of parents pinched a child; 7% pulled the child's face, head or ears; 10% of them slapped the child on the face, head or ears. The two most common reasons why parents beat their children were: the child was disobedient in the (22%) of cases and the child was in a dangerous situation (23%). These findings suggest that parents need support in understanding their child's behaviour so that they can respond more appropriately when the child is disobedient or in a dangerous situation.⁴
21. Mothers or female caregivers more often reported physically punishing children. It is important to note that mothers and female caregivers are also more involved in developmental activities than fathers and spend more time with the children. No differences in frequency were observed in physically aggressive behaviours in terms of education and socioeconomic status of parents. Parents were asked how old the child was when he/she was punished for the first time. Most parents responded that it was when they were between two and three years old (47%).⁵
22. Of the total number of reports concerning violence that reached the Center for Social Work in 2021, 22% of them refer to reports of violence against children. Among the reported cases, emotional violence against children is dominant (43.3%), and physical violence against children is represented by (24.5%).⁶

³ ISTRAŽIVANJE PRIMENE VASPITNE DISCIPLINE NAD DECOM U PORODICI U SRBIJI, UNICEF, Page: 45, link: <https://www.unicef.org/serbia/media/16611/file/Istra%C5%BEivanje%20o%20disciplinovanju%20dece%20u%20porodici%20u%20Srbiji.pdf>

⁴ Ibid, Page: 46.

⁵ Ibid, page: 47.

⁶ <http://www.zavodsz.gov.rs/media/2356/deca-u-sistemu-socijalne-zastite-u-2021docx.pdf> page 28.

23. In the Family Strengthening Program implemented by SOS Children's Villages Serbia, which supported 229 families across Serbia in 2021, 19% of the supported families reported that they use positive discipline techniques for children in their upbringing.
24. At the time of writing, UNICEF has launched a major national campaign to promote nonviolent methods of child-rearing. In addition to the public, the campaign will also target professionals working in the social protection system, educational and health system by providing trainings for them.

D. Recommendations

25. SOS Children's Villages Serbia recommends to the Government of Serbia to:
 - a. **Urgently adopt the Law on the Rights of the Child and the Protector of the Rights of the Child, and the new Family Law to explicitly prohibit corporal punishment in all settings and protect children from all forms of violence, abuse, neglect, and exploitation.**
 - b. **Promote non-violent methods of child-rearing and raise public awareness about the need for zero tolerance for violence against children in the family.**
 - c. **Provide adequate support to the services, projects and programs aimed at strengthening parenting skills.**
 - d. **Strengthen intersectoral cooperation in order to recognize the problem in a timely manner and to respond appropriately.**

III. SUPPORT TO THE BIOLOGICAL FAMILIES WHERE THERE IS A RECOGNIZED RISK OF CHILD SEPARATION

A. Legal and Institutional Framework

26. The Ministry of Labour, Employment, Veterans and Social Affairs announced two years ago that it will begin the process of drafting a new Law on Social Protection, which will be based on professional practice and experience, all with the aim of improving the social protection system in the Republic of Serbia.
27. The desire to amend the current Law on Social Protection (2011) is only a continuation of the reforms of the social protection system that began almost two decades ago. The need to make changes to the law stems from the fact that the initiated changes did not produce the desired results and the need to find legal solutions that will be in line with the needs on the ground.
28. In the last two years, only one meeting of the working group on amendments to the Law on Social Protection has been held (March 2021).
29. It is not yet entirely certain whether the new Law on Social Protection will be adopted or whether only amendments to the current law will be adopted. If the overall amendments to the current law exceed 30% of the total changes, it is necessary to adopt it as a new law.

30. Civil society organizations gathered around the Network of Organizations for Children of Serbia have expressed their concern that the new law will not fully address the need to introduce support measures for the biological family and for the faster return of children to their biological families from which they have been removed. This is precisely why they agree that services such as strengthening families at risk and early intervention services should be explicitly introduced and emphasized in the new law.
31. Among the wider professional public, one can hear the demand for the need social protection services to shift their focus from restrictive measures to supportive measures for the biological family, including when preparing for the child's return.
32. In the current law, we recognize the lack of standardization of family support services and the pluralism of service providers in practice, even though it is stated in the law.
33. The new bill introduces Centers for Children, Youth and Family, which are designed to provide services for children, youth and families at risk of moving a child from the family, thus recognizing the aspiration of State to establish support for the biological family in need of such support. For this reason, it is important that the new bill be adopted as soon as possible.
34. The strategy for deinstitutionalization and development of social protection services in the community for the period 2022 – 2026 has been adopted and the process of creating an action plan is underway. The strategy aims to enable the development of social protection services in the community, so that users of the social protection system who need more intensive support can meet most of their needs in a environment that is more familiar to them.

B. Promotion and Protection of Human Rights on the Ground

35. The decision of the Government of Serbia on the introduction of the employment control system in the public sector, which was adopted at the end of 2013, had an impact on the reduction of the number of employees in the entire social protection system, not only in the Centers for Social Work.
36. Data on the number of employees in the Centers for Social Work show that the number of employees is 18.8% lower at this moment than in 2014, and the downward trend in the number of employees has been present since 2014 until today.⁷
37. The insufficient number of professional workers in the Centers for Social Work does not leave enough space for preventive work with families, rather, employees are in a position to intervene in situations where the problem within the family has already escalated. Although a large number of employees in the social protection system recognize the importance of preventive work with families, they cite insufficient staffing as a major reason why they cannot devote themselves to preventive work with families.
38. In the period 2013 - 2017, the Ministry of Labour, Employment, Veterans and Social Affairs, with the support of the Novak Djokovic Foundation and the European Union, piloted the Family Associate Service. The aim of the Family Associate Service is to improve the capacity of the family to provide safe and stable conditions for the growth, development and well-being of the child in the family environment. The

⁷ <http://www.zavodsz.gov.rs/media/2354/izvestaj-csr.pdf> page 4.

service was not continued after the pilot period, and although it was announced that there was a possibility for the service to become part of the social protection services and be recognized in the law, this has not yet happened.

39. Since 2013 until today, SOS Children's Villages Serbia has been implementing the Family Strengthening program, which is based on principles similar to those of the Family Associate Service, all with the aim of maintaining a healthy and safe growth and development of the child in a family environment. So far, the Family Strengthening programme has provided support to a total of 900 families and 2,000 children throughout Serbia, and at present, the service is being implemented in eight cities across the country.
40. The Minimum Standards for Intensive Family Support Services, although submitted to the Ministry of Labour, Employment, Veterans and Social Affairs in 2016, have not yet been adopted.

C. Recommendations

41. SOS Children's Villages Serbia recommends to the Government of Serbia to:
 - a. **Ensure the sustainability and continuity of intensive support services for families in crisis by providing funding mechanisms, both at national and local level.**
 - b. **Define intensive family support services as a distinct group of services that goes beyond the counselling -therapeutic and socio-educational services group to which, under the current legal framework, this service now belongs.**
 - c. **Adopt standards at the national level for counselling-therapeutic and socio-educational services in order to ensure, through the licensing of service providers, the quality and continuous provision of services and to make them more accessible to the people in need.**
 - d. **Encourage and improve cooperation between institutions and service providers in the social protection system, and greater involvement of civil society organizations, in order to ensure the continuity of preventive work with families.**
 - e. **Strengthen the human, material, and logistical resources of the Centers for Social Work.**