



**Republic of Serbia**

48th Session of the Committee on the Rights of the Child  
Consideration of the Initial Report of the Republic of Serbia  
on Implementation of the Convention on the Rights of the Child  
for the Period 1992 – 2005  
Geneva, 27 May 2008

**INTRODUCTORY REMARKS BY THE HEAD OF THE DELEGATION OF THE  
REPUBLIC OF SERBIA**

Geneva, 27 May 2008

Madam Chairperson,  
Distinguished members of the Committee,  
Ladies and Gentlemen,

Allow me, on behalf of the delegation of the Republic of Serbia to express our pleasure for having this opportunity to present the Initial Report on the Implementation of the Convention on the Rights of the Child in our country.

At the outset, I would like to introduce members of our delegation.

- Mr. Zoran LONČAR, Minister of Education of the Republic of Serbia, head of delegation;
- Ms. Vesna FILA, Assistant Minister, Ministry of Education, deputy head of delegation;
- Mr. Slobodan VUKČEVIĆ, Ambassador, Permanent Representative of the Republic of Serbia to the UN Office and other International Organizations at Geneva, member of the delegation;
- Ms. Nevena VITOŠEVIĆ – ČELKIĆ, State Secretary, Ministry of Religion of the Republic of Serbia, member of the delegation;
- Dr. Elizabet PAUNOVIĆ, Assistant Minister, Ministry of Health of the Republic of Serbia, member of the delegation;
- Ms. Ivana KOVAČEVIĆ, Assistant Minister, Ministry of Youth and Sports of the Republic of Serbia, member of the delegation;
- Mr. Nenad VUJIĆ, Director of the Judicial Training Center of the Republic of Serbia, member of the delegation;
- Ms. Gordana MOHOROVIĆ, Senior Adviser, Office of Human and Minority Rights of the Government of the Republic of Serbia, member of the delegation;
- Ms. Sladjana MARKOVIĆ, Senior Adviser, Ministry for Kosovo and Metohija of the Republic of Serbia, member of the delegation;
- Mr. Vladimir ČEKLIĆ, Advisor, Ministry of Justice of the Republic of Serbia, member of the delegation;
- Ms. Olivera ZEČEVIĆ, Advisor, Ministry of Interior of the Republic of Serbia, member of the delegation;
- Mr. Miodrag RAKIĆ, Advisor, Office of Human and Minority Rights of the Government of the Republic of Serbia, member of the delegation;
- Mr. Pavle ALEKSIĆ, Advisor of the Commissioner for Refugees of the Republic of Serbia, member of the delegation;
- Ms. Jasmina IVANOVIĆ, Head of the Group for systemic issues, Ministry of Labour and Social Policy, member of the delegation;

- Ms. Marina IVANOVIĆ, Counsellor, Directorate for Human Rights and Environmental Issues, Ministry of Foreign Affairs of the Republic of Serbia member of the delegation;
- Ms. Marija STAJIĆ, Third Secretary, Permanent Mission of the Republic of Serbia to UN Office and other international organizations at Geneva, member of the delegation;

Madam Chairperson,

The Socialist Federal Republic of Yugoslavia ratified the Convention on the Rights of the Child in 1990. In March 2001 the Federal Republic of Yugoslavia, the Republic of Serbia being its legal successor, submitted a successor statement related to the basic treaties of the United Nations, including the Convention on the Rights of the Child as well. In 2002 the State Union of Serbia and Montenegro, the Republic of Serbia being its legal successor, ratified two optional protocols to the Convention on the Rights of the Child, namely the Optional Protocol on the Involvement of Children in Armed Conflicts and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

In view of the specific circumstances and the fact that the FRY became a member of the United Nations again in 2000, the state authorities of the FRY, namely the state members of the State Union of Serbia and Montenegro, after the consultations with the representatives of the United Nations, have prepared the Initial Report on the implementation of the Convention on the Rights of the Child for the period from 1992 to 2005.

The report on the implementation of the Convention covers a complex period in the history of the Republic of Serbia, marked by significant changes of the state system and the constitutional order, the dissolution of the SFRY wherein the Republic of Serbia was one of the federal units and the establishment of the new Federal Republic of Yugoslavia, ethnic conflicts in the surroundings, the UN sanctions, NATO military actions against the Federal Republic of Yugoslavia, international administration in one part of the territory of Republic of Serbia, radical change of power and the political system in 2000, the constitutional reform and the establishment of the State Union of Serbia and Montenegro in 2003, the succession of the Republic of Montenegro and the international legal continuity of the Republic of Serbia in relation to all previously mentioned states.

Since 2000 the integration process of our state into the international community has started, manifested in the regained membership in the UN and the readiness to access the large number of international treaties, in the field of

human rights in particular. In addition to the rights and obligations on the grounds of succession, within the same period, the FRY also acceded, for example, the Framework Convention on the Protection of National Minorities of the Council of Europe; the Roma Statute of the International Criminal Court, and upon the admission to the Council of Europe in 2003, the State Union of Serbia and Montenegro, as the legal successor of the Federal Republic of Yugoslavia also acceded the European Convention on the Protection of Human Rights and Fundamental Freedoms and the European Convention on the Prevention of Torture and Inhuman and Humiliating Procedures and Punishments. The very admission to the Council of Europe was a confirmation that Serbia and Montenegro had embarked on the road to join the ranks of democratic countries that comply with the European standards of human rights protection.

Regardless of the changes in the state system and the character of the state, the Republic of Serbia has ensured the mechanisms of human and minority rights protection and the administration of international treaties on human and minority rights within its legal system. This refers primarily to the adoption of the new Constitution of the Republic of Serbia in 2006, as an independent state, guaranteeing a wide range of human and minority rights. The commitments of the Republic of Serbia to international standards on human rights have been defined by the Constitution of the Republic of Serbia, which prescribes that the generally accepted rules of international law and the recognized international treaties make an integral part of the legal system of the Republic of Serbia as well as that they are directly applied. Moreover, the Constitution prescribes guarantees for human and minority rights, the same as those guaranteed by the generally accepted rules of international law and the recognized and international treaties, which provides a constitutional power to the provisions of the international treaties on human and minority rights within the domestic legal system. The true commitment of the Republic of Serbia to the international standards on human and minority rights and to the co-operation with the competent authorities, with the United Nations in the first place, is also evidently witnessed by the constitutional provision to interpret the provisions on human and minority rights in favour of enhancement of the democratic society, pursuant to the existing international standards on human and minority rights, as well as in the favour of the practice of the international institutions supervising their implementation. You are kindly asked to consider the today's presentation of the Report, the dialogue with the Committee and the future findings and opinions of the Committee in the light of the stated provisions of the Constitution of the Republic of Serbia and the willingness of the Republic of Serbia to ensure a high level of human and minority rights and co-operate with the relevant international institutions as well.

Madam Chairperson,

The Republic of Serbia is particularly committed to respect for the rights of the child. The Constitution of the Republic of Serbia precisely guarantees the rights of the child to personal name, registration in registry books, awareness of origin, preservation of identity, protection against psychological, physical, economical and all other exploitation, as well as the rights and the obligations of parents. Within the legal system of the Republic of Serbia, both children born in marriage and out of wedlock have the same rights. Also, the Constitution guarantees the incitement of respect for diversities by special measures in education, culture, public information, as well as the prohibition and sanctions for all kinds of cause and incitement of racial, national, religious or other discrimination. Every person has the right to education. Primary education is compulsory and free of charge, and secondary education is free of charge.

The Constitution of the Republic of Serbia prescribes that the rights and the protection of the child are defined in more details by relevant laws.

The laws adopted in the Republic of Serbia contain in their provisions the solutions and mechanisms to act in the best interest of the child. In this sense, the Family Law, the Law on the Basis of Educational and Upbringing System and the Law on Minor Offenders of Criminal Acts and Criminal and Legal Protection of Minors are of particular importance. I hope that in the discussion we are going to have today, the members of the delegation of the Republic of Serbia will point out to the provisions of the mentioned laws and other laws of importance for the status of the child and to the practical measures of their enforcement.

The commitment of the Government of the Republic of Serbia to establish a system of coordinated activities at the state level in the realm of the protection and promotion of the rights of the child, is also manifested in the fact that the *Council on the Rights of the Child*, as an advisory governmental body, was established on 16 May 2002. The functions of the Council are carried out through the following tasks:

- Initiation of measures for the co-ordination of the policy of the Government of the Republic of Serbia in the fields related to children and the young (health care, education, culture, social issues),
- Initiation of measures to build overall and coherent policy for children and the young,
- Definition of recommendations to accomplish important social indicators in the area of care for children and the young, which are a prerequisite of European integration,
- Proposal of policy to accomplish the rights of the child in compliance with the UN Convention on the Rights of the Child,
- Monitoring of accomplishment and protection of the rights of the child in our country, especially in imposing and enforcing the measures adopted against minors in conflict with law,

- Analysis of effects of measures undertaken by the authorities competent for children, the young, families with children and birth rate,
- Initiation of measures for the protection of the rights of the child in legal proceedings.

The National Action Plan for Children, which had been initiated by the Council on the Rights of the Child and adopted by the Government of the Republic of Serbia in February 2004 makes the grounds of all activities and measures being undertaken by the Republic of Serbia with the aim to improve the status of the rights of the child. This document is based on four fundamental principles of the Convention: the right to life, survival and development; the best interests of the child; protection from discrimination and the right to thought. The priorities defining the structure of the National Action Plan are: reduction of poverty, quality education for all children, better health for all children, improvement of the status and the rights of disabled children, protection of children with no parental custody, protection of children from abuse, neglect, exploitation and violence and strengthening of the country's capacities to resolve the problems of children.

The legal acts and strategies adopted in the field of prohibition of discrimination and protection of handicapped persons, protection of children from abuse, protection of children from exploitation and protection of children from trafficking, which are described in details in the Responses to the Committee and which are to be explained today by the members of the delegation, are of special importance for the accomplishment of the rights of the child in the Republic of Serbia.

Madam Chairperson,

I would like to draw the attention of the Committee to a particular problem related to the implementation of the Convention on the Rights of the Child in part of the Republic of Serbia, i. e. in the Autonomous Province of Kosovo and Metohija, which has been, since June 1999, under the United Nations administration under the Security Council Resolution 1244 (1999). The Resolution 1244 of the UN Security Council recognizes that Kosovo and Metohija is part of the territory of the Republic of Serbia. Hence, the Convention is applicable in the Province. Nevertheless, the Republic of Serbia as the State Party to the Convention is unable to implement the Convention and monitor its implementation in the Province, bearing in mind, as I mentioned, that the administration of the Province has entirely been within the UNMIK prerogatives. For that reason, the Report which is currently before the Committee does not contain any information regarding the implementation of the Convention in Kosovo and Metohija.

I must stress that the overall status of human rights in Kosovo and Metohija is not satisfactory, and it is especially worrisome concerning disrespect for elementary human rights of the members of non-Albanian communities, primarily of the Serbs and the Roma. Since 1999 when the Autonomous Province of Kosovo and Metohija came under the international administration, many children of the Serbian nationality have been killed by the Albanian separatists, under the circumstances of widely spread discrimination based on ethnic and religious affiliation, origin and language, the status of children who are members of the Serbian and the Roma communities is very grievous. Almost all relevant articles of the Convention on the Rights of the Child are not applied in Kosovo and Metohija. The enclaves, which are the settlements where the Serbs and the Roma live in the Albanian surroundings are the last ghettos where the children do not enjoy their rights in the twenty first century.

Under such circumstances, and taking into account the conclusions of the relative treaties of the UN institutions, after the consideration of the Initial Report of the Republic of Serbia on the enforcement of the International Treaty on Civil and Political Rights and the International Treaty on Economic, Social and Cultural Rights and of the Convention on Elimination of All Forms of Discrimination of Women, the delegation of the Republic of Serbia would like to suggest to the Committee to examine how the Convention is implemented in Kosovo and Metohija, namely, to request the UNMIK mission, as the only international legal mission in Kosovo and Metohija, to provide relevant information on the implementation of the Convention. We are convinced that the Committee, based on the detailed information on the implementation of all relevant articles of the Convention in the Province of Kosovo and Metohija, as an integral part of the Republic of Serbia, could contribute to the improvement of the rights of the child in general, in particular to the improvement of extremely grave status of the children who belong to the Serbian and other non-Albanian communities in the region of Kosovo and Metohija.

Madam Chairperson,

In the Report before us and within the framework of the Responses to the list of questions as well as in my present introductory comments, we have mentioned the measures that are being undertaken by the Republic of Serbia with the aim to improve the rights of the child and achieve full implementation of the Convention on the Rights of the Child. However, in spite of an adequate legal frame and positive practice, the Republic of Serbia has still been facing problems.

That is why I would like to conclude by pointing out a wider context the Convention is being implemented in:

- We have still been facing the consequences of the conflicts in the region, economic sanctions, NATO military actions against Serbia as well as a large number of refugees from the former republics

- of the SFRY and internally displaced persons from Kosovo and Metohija;
- Since 1999 part of the territory of the Republic of Serbia has been under the temporary international administration of the United Nations;
  - The country has been going through a complex process of economic and social transition.

To conclude, I also wish to emphasize that the Republic of Serbia, aware of the existing challenges and problems, remains committed to the efforts to make further progress in the process of the society democratisation and to meet the international obligations and standards, especially in the field of human rights, which also includes an active co-operation with the international institutions dealing with such issues.

We also find this dialogue with the Committee today a part of that process. I am convinced that we will today consider all the issues of particular interest for the Committee and for the implementation of the Convention. For us, this dialogue today is going to be a very useful experience in our efforts to continue to promote and strengthen the system of protection of human rights in the Republic of Serbia, in particular in the area of the rights of the child.

Thank you Madam Chairperson!