



54th Session of the Committee on the Rights of the Child
Consideration of the Initial Reports of the Republic of Serbia
Submitted under Article 12 of the Optional Protocol to the
Convention on the Rights of the Child on the
Sale of Children, Child Prostitution and Child Pornography and
Under Article 8 of the Optional Protocol to the
Convention on the Rights of the Child on the
Involvement of Children in Armed Conflicts
Geneva, 26 May 2010

INTRODUCTORY STATEMENT BY Ms SANJA JAŠARIĆ-KUŽIĆ,
ASSISTANT MINISTER FOR HUMAN AND MINORITY RIGHTS,
HEAD OF THE DELEGATION OF THE REPUBLIC OF SERBIA

Geneva, 26 May 2010

Distinguished Madam Chairperson,
Honourable Members of the Committee,
Ladies and gentlemen,

Allow me to express, on behalf of the delegation of the Republic of Serbia, our satisfaction at having the opportunity to present today the Initial report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution and Child Pornography and the Initial Report on the Implementation of the Optional Protocol to the CRC on Involvement of Children in Armed Conflicts.

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

Ambassador Uglješa Zvekić	Permanent Representative of the Republic of Serbia to the UN and other international organizations in Geneva
Suzana Paunović	Assistant Minister of Labour and Social Policy
Mitar Djurašković	Ministry of Internal Affairs
Nikola Karanović	Ministry of Defense
Nebojša Jokić	Ministry of Health
Jasmina Ivanović	Ministry of Labour and Social Policy
Gordana Mohorović	Ministry of Human and Minority Rights
Marija Šošić	Ministry of Foreign Affairs
Marija Stajić-Radivojša	Mission of the Republic of Serbia to the UN and other international organizations in Geneva

Ines Cerović

Ministry of Justice

Madam Chairperson,

The Republic of Serbia has ratified all the main instruments in the field of human rights protection. The Republic of Serbia has been a member of the Convention on the Rights of the Child (CRC) since 12 March 2001. It ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography on 10 October 2002 and the Optional Protocol to the CRC on Involvement of Children in Armed Conflicts on 31 January 2002.

In line with the commitments undertaken by ratifying the main international human rights treaties the Republic of Serbia has so far completed the cycle of submission of Initial Reports on their implementation. The Committee on the Rights of the Child reviewed the Initial Report on the Implementation of the CRC for the period from 1992 – 2005 on 27 May 2008. In December 2008 the Republic of Serbia went through the process of Universal Period Review of the United Nations Human Rights Council.

The Ministry of Human and Minority Rights within whose competence it is to prepare and coordinate development of reports on implementation of international human rights treaties was established in 2008. In that year the Ministry initiated the reform process of the then existing reporting system. The new reporting system was used in developing the Common Basic Document on the Republic of Serbia. The essence of the reform is to set up an inter-ministerial reporting mechanism and to involve the non-governmental organizations in that process. The intention of the Ministry is to establish this method of drafting periodic reports on the implementation of international human rights treaties as a good practice model which will be used in the new reporting system.

Our country is irrevocably committed to building democracy and this entails fulfillment of certain duties among which respect for human and minority rights represents one of the key ones. This is why we are expected to impose penal sanctions on anyone who grossly violates human rights or encourages this in any way whatsoever. What is more, the state is duty-bound to create a legal and political environment where all the administrative bodies will be aware that the law is applied to all equally. This is also where the Ministry for Human and Minority Rights has the most important role to play; namely, as the relevant institutional mechanism, it is to draft such laws and planning documents (strategies and action plans) which will upgrade the existing legal order. This way, as well as through coordination of the activities of the line ministries, this Ministry is becoming the 'binding tissue' in (the process of) creating a system of values in which human rights are respected.

In February 2009 the Ministry signed, on behalf of the Government, the Memorandum on Cooperation with the Non-governmental Sector. This Memorandum commits the Parties to securing regular exchange of information in the future on the activities of drafting, adoption and enforcement of the laws and strategies in the field of respect for human rights and fundamental liberties; on the activities of drafting of reports on the implementation of the international commitments undertaken; as well as on other activities within the Ministry's purview. This has improved the level of involvement of the civil society organizations in policy making and decision-making in the field of human rights protection. Civil society organizations play an important role in social, economic and political life of the Republic of Serbia and have been making an immeasurable contribution to democratic transition in the country. The New Law on Associations, adopted in July 2009, has clarified their legal status.

Madam Chairperson,

I would like to bring to the attention of this august Committee the problem relating to the implementation of the Optional Protocols to the CRC in a part of the Republic of Serbia, that is in the Autonomous Province of Kosovo and Metohija (KM), which has since June 1999 been under international administration of the United Nations under UN Security Council Resolution 1244 (1999). Under the mentioned resolution Kosovo and Metohija forms an integral part of the territory of the Republic of Serbia so that the Protocols to the CRC are also applicable in the Autonomous Province. Despite this, the Republic of Serbia, as a Party Signatory, is unable to implement the Protocols and oversee their enforcement in KM since the administration of the Province has been fully entrusted to the United Nations Interim Administration Mission in Kosovo (UNMIK). This is the reason why the reports that are before you do not contain any detailed information on the implementation of the Protocols in that part of the territory of the Republic of Serbia.

Faced with such a situation and taking into account the conclusions brought by the relevant UN treaty bodies following the consideration of the Initial Reports on the implementation (of the treaty commitments) presented by the Republic of Serbia so far, the Republic of Serbia delegation proposes to the Committee to request the relevant information from the UN administration in KM, that is to identify the most appropriate way of reviewing the implementation of the Optional Protocols to the CRC in that autonomous province of the Republic of Serbia. We are convinced that the Committee could, based on detailed information on the implementation of all relevant Articles of the Optional Protocols in KM, gain a real insight into whether the rights guaranteed by the Optional Protocols are respected in that province.

In that context, the Republic of Serbia Government is ready to communicate all the information it has concerning the implementation of the Optional Protocols to the CRC in KM. Although the Republic of Serbia is *de facto* unable to engage in their enforcement in a part of its territory, the Republic of Serbia Government wishes to help the Committee in its work on reviewing the implementation of the Optional Protocols to the CRC in KM.

Madam Chairperson,

It is for the first time in the constitutional-legal history of the Republic of Serbia that its Constitution of 2006 speaks explicitly about children's rights. This highest legal act guarantees the right to free development of personality, human life is sacrosanct, physical and mental integrity is inviolable, nobody may be kept in slavery or in a slave-like position. Any form of human trafficking is prohibited just as is forced labour. Sexual and economic exploitation of a person in an unfavourable position is regarded as forced labour. Children enjoy human rights appropriate to their age and mental maturity. They are protected from physical, mental, commercial and every other exploitation or abuse. Children under 15 years of age may not be employed nor may they, if under 18 years of age, hold any jobs and perform any duties harmful to their health, education or morals.

Taking into account the strategic commitment of the Republic of Serbia to European integration, the process of reforms of the national legislation aims to harmonize these regulations with the European Union *acquis* and to embrace the highest international and regional human rights standards. The Laws being adopted in the Republic of Serbia have the principle of the child's best interest enshrined in their provisions. These are primarily the Family Law; the Criminal Code; the laws on the basic principles of the system of education and

upbringing, on health care, labour, juvenile delinquents and on criminal law protection of minors, prohibition of discrimination, civil service, on military, labour and material duty and many other laws.

The platform for all the activities and actions being undertaken by the Republic of Serbia for advancement of the status and the rights of the child is the National Plan of Action for Children which is based on four main principles enshrined in the Convention: the right to life, survival and development; the best interests of the child; protection from discrimination; and the right to participation. The priorities determining the structure of the National Plan of Action are the following: poverty reduction among children; quality education for all children; better health for all children; advancement of the status and rights of children with developmental impairments; protection of the rights of children without parental care; protection of children from abuse, neglect, exploitation and violence; and national capacity-building for solving children's problems. Given the long-term character of the National Plan of Action for Children, its adaptation to suit the newly-emerging social circumstances is ongoing.

Particularly important for the exercise of children's rights in the Republic of Serbia are the adopted instruments and strategies in the fields of poverty reduction, social protection, the ban on discrimination, protection of disabled persons, protection of children from all forms of violence including exploitation, fight against human trafficking, reintegration of returnees, management of migrations, prevention of illegal migrations and inclusion of the Roma.

In the period since 2000 the Republic of Serbia has established many new or consolidated the existing institutional mechanisms for child protection at the national level. These are the following:

Councils for the rights of the child, for fight against human trafficking, for monitoring and promotion of the activities of the bodies in charge of criminal proceedings and enforcement of penal sanctions against minors and for statistics as well as the Republic team for fight against human trafficking.

The competent line ministries also represent important mechanisms for the protection of children from abuse and neglect, each one within their respective field of competence.

The Defender of Citizens and the Provincial Ombudsman in the Autonomous Province of Vojvodina who have specialized Deputies in charge of children's rights also play an important part in the protection of children's rights.

Madam Chairperson,

The reports that you have before you as well as the replies given to the list of questions and my today's address have highlighted the actions being undertaken by the Republic of Serbia in order to honor the commitments assumed through ratification of the Optional Protocols to the CRC.

The adverse social context that was in evidence for many years exposed children in the Republic of Serbia to a higher risk of exploitation in pornography, prostitution and trafficking and (the children that were particularly adversely affected) over the previous decade (were) primarily the children (who were) illegal immigrants, the children living in the street, the missing and abducted children and the children under readmission procedure.

In order to eliminate the negative social aspects of the status of children the National Strategy for the Protection of Children From Violence was adopted in

December 2008. In June 2009 the Republic of Serbia signed the Council of Europe (CoE) Convention on the Exercise of Children's Rights as well as the revised CoE Convention on Adoption of Children. In its future efforts to promote human rights, it will focus on introducing and making sustainable the services within the local community with the aim, *inter alia*, of also providing support to the children protected under the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. This will be accomplished by setting up a system conducive to quality promotion of professional work and continued training of professionals working with and for children. All this, once the new Law on Social Protection has been passed, will help improve access to community services and their quality and thus also ensure more efficient protection of all children in the Republic of Serbia.

The Ministry of Human and Minority Rights concluded in May this year a cooperation agreement with *Save the Children, Norway* for implementation of the project "Institutional response to the problem of sex abuse and exploitation of children by means of information and communications technologies in the Republic of Serbia". The aim of the project is to set up an efficient child protection system against sexual abuse, exploitation and other potential risks posed by the Internet. One of the specific aims of this project is precisely the institutional capacity-building to combat this type of abuse.

The Republic of Serbia has made considerable headway in the fight against human trafficking. The CoE Convention on Action against Trafficking in Human Beings was ratified in March 2009. The Amendments to the Criminal Code, which were adopted in August 2009, introduced harsher penalties for the criminal offences of human trafficking.

The liability to perform military service is a duty and right of citizens who are nationals of the Republic of Serbia to participate in preparatory arrangements to defend the country and engage under conditions of a state of emergency or a state of war. The military service liability is general and military service is performed under identical conditions by citizens and nationals of the Republic of Serbia who, thus, exercise their liberties, rights and duties. Recruits are referred to do their military service when they are aged from 19 - 27 and exceptionally before reaching 30 years of age. I wish to underline that the 2009 Law on Military, Labour and Material Duties explicitly prohibits any military engagement of minors, that is persons under 18 years of age, in peace, state of emergency and war and that national legislation also prohibits any sale of arms when the final destination is a country where children are known to be, or may potentially be recruited or used in hostilities.

In the sphere of the liability to perform military service, the Republic of Serbia is in every respect a member of the group of European countries that have made alternative service part of their law. On a broader-based platform, instead of the earlier decrees and a series of by-laws and regulations, (the authorities have established and defined) the institutions and areas where it is possible to exercise the (right to) conscientious objection, the method of exercise of this right, the duties of the institutions and recruits, possibilities of postponement, release from and termination of alternative service, training for defense in the non-military engagement sphere and a number of other concepts. On the grounds of conscientious objection a military conscript may substitute military service for alternative service, i.e. (opt to execute) the work assignments which bring general benefits to society through his practical engagement in designated organizations and institutions.

To conclude, I wish to stress that the Republic of Serbia, while aware as it is of the existing challenges, remains consistent in its efforts to implement international commitments and standards, especially in the sphere of the rights of the child, which also entails pro-active cooperation with the international bodies dealing with these issues.

We regard our today's dialogue with the Committee as part of this process. I am confident that we shall today review all the issues that are of particular concern to the Committee. This dialogue will be a useful experience for us in our efforts to further upgrade and strengthen the human rights system in the Republic of Serbia, especially in the area of protection of children's rights.

Thank you, Madam Chairperson.

