

Universal Periodic Review of Serbia, 43rd session of the UPR Working Group

Pre-session on the Republic of Serbia

April 5, 2023

STATEMENT

Delivered by Save the Children North West Balkans

Introduction

This statement is delivered by the Balkans Migration and Displacement Hub, an initiative within Save the Children North West Balkans, an independent, child-rights-based organisation working to ensure that children in Serbia and the Balkans are protected, have a healthy start in life and have quality education. The statement is based on the Stakeholder report submitted by Save the Children North West Balkans and the partner, the national civil society organisation Centre for Youth Integration.

Plan of the statement

The statement will address the following issues: (1) securing the realisation of the rights of children in Serbia, including vulnerable groups of children, by ensuring a robust and comprehensive legislative and institutional framework; (2) ensuring access to rights for refugee and migrants children arriving in Serbia through access to adequate protection, quality education and unhindered access to health care.

The Statement

Issue 1: Securing the realisation of children's rights in Serbia, including vulnerable children, by ensuring a robust and comprehensive legislative and institutional framework.

In the third UPR cycle, the Republic of Serbia accepted recommendations given by, among others. Mongolia, Slovenia, Austria, Chile, Uruguay, Portugal and Slovakia to adopt a comprehensive law on children's rights, establish an office of the Ombudsman for Children, ratify the Optional Protocol to the Convention on the Rights of the Child on communications procedure and prohibit corporal punishment of children.

The Act on the Rights of the Child has yet to be adopted. It is needed to harmonise the legal system related to children by bringing the existing legislative solutions in all sectoral laws in line with the solutions in this law. **Corporal punishment** of children is still to be explicitly prohibited.

The mandate for protecting child rights is within the Office of Protector of Citizens in the Department for Gender Equality, Child Rights and Rights of Individuals with Disabilities, as there is still no specialised **Ombudsman for Children** who would ensure the promotion of children's rights in public policy, law and practice.

The Republic of Serbia was among the first to support and sign the **Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure**. Since the third UPR cycle, the ratification of the OPCP has been initiated. The Republic of Serbia needs to ensure that the ratification process is completed and that the OPCP enters into force.

Recommendations:

Ensure that the recommendations from the third UPR cycle are being followed through and:

- Adopt the Act on the Rights of the Child.
- Establish an office of the Ombudsman for Children.
- Ratify Optional Protocol to the Convention on the Child's Rights on a Communications Procedure.
- Prohibit corporal punishment of children.

Issue 2: Ensuring access to rights for refugee and migrant children arriving in Serbia through securing access to adequate protection, quality education and unhindered access to health care.

In the third UPR cycle, Serbia accepted multiple recommendations to establish legislative and other measures to protect children from abuse and violence (Greece, Kyrgyzstan), develop programmes to reduce dropout rates from schools and step-up efforts towards achieving inclusive education for all children (Timor-Leste, Georgia), and strengthen efforts to prevent and combat all forms of discrimination (Italy).

Serbia remains one of the key transit countries for children and adults travelling to Europe via the Eastern Mediterranean and the Balkan Route. Lacking legal pathways to travel and seek asylum in Europe and travelling with smugglers who facilitate irregular border crossings, refugee and migrant children arriving in Serbia are one of the most vulnerable groups of children.

In-depth research shows that, most likely, all refugee and migrant children arriving in Serbia through the Balkan route have been exposed to violence, be it physical, psychological, sexual violence, discrimination and exploitation, including sexual exploitation. The most common perpetrators are border police officers and smugglers. In

Serbia, children are more vulnerable to exploitation by smugglers who offer them money, privileges and easier continuation of the journey in exchange for sexual services or use them as helpers.

Serbia has made a tremendous effort to ensure that refugee and migrant children are supported by providing accommodation, essential services, and enrolment in education. Nevertheless, many challenges remain.

Recommendations:

All refugee and migrant children and families need **adequate protection**, access to **quality education** as a protective factor and unhindered access to **health services**.

- Step up efforts to ensure that all aspects of migration management consider the violence experienced by refugee and migrant children, including by introducing independent monitoring and child protection mechanisms at the borders, strengthening child protection services in the country and providing alternative care solutions for unaccompanied migrant and displaced children.
- Step up efforts to ensure prompt access to safe education, offer children more support in education and introduce mechanisms to prevent dropout.
- Ensure that all asylum seekers, refugee and migrant children, and their families are not being discriminated against and have unhindered access to health care, including mental health care.