***RESPONSES TO THE QUESTIONNAIRE BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS***

***Strategic, legislative and institutional framework***

The problem of early marriage was recognized in the **Strategy for the Social Inclusion of Roma in the Republic of Serbia for the period 2016-2025[[1]](#footnote-1) and the Action Plan for its implementation.** The Strategy envisages specific measures related to improving the system of prevention and support with the aim of reducing the number of underage and forced marriages and underage pregnancies in the Roma community. The Government also established a special ***Coordination Body for monitoring the implementation of the Strategy*** and reviewing all issues in the areas of Roma inclusion, which is chaired and managed by the President of the Government of Serbia.

The **National Strategy to Prevent and Eliminate Trafficking in Human Beings, in particular Women and Children, and to Protect Victims of Human Trafficking in the Republic of Serbia for the period 2017-2022** was adopted along with the Action Plan for the period 2017-2018, recognizing forced marriages with elements of exploitation as one form of human trafficking present in our country.

**The National Strategy for Gender Equality for the period 2016 to 2020, with the Action Plan for the period 2016 to 2018,** foresees measures to be implemented to prevent early and forced marriages, in particular Roma girls and young women, and to provide support to young women and young mothers to continue their education.

As part of the normative system of the Republic of Serbia, the conditions for marriage, the form of marriage, the legal actions of marriage, as well as the method and legal consequences of the termination of marriage are prescribed by the **Family Law[[2]](#footnote-2) adopted in 2005**.

In 2013 the Republic of Serbia adopted the **Law Confirming the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence[[3]](#footnote-3) (Istanbul Convention)**. In order to achieve harmonization with the above convention, the following were adopted on 23 November 2016: Law on Amendments to the Criminal Code and the Law on the Prevention of Domestic Violence, coming into force on 01 June 2017.

The key amendments to the **Criminal Code[[4]](#footnote-4)** are in regards to criminal offences against sexual liberty and new crimes that are the consequence of harmonization with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Stricter punishments have been prescribed for certain criminal offences against sexual liberty. A minimum prison sentence was prescribed (with a prohibition on reduction) for rape and intercourse with a child (as well as for the criminal offence of intercourse through abuse of office if the crime is against a minor) of five years. Likewise, the minimum sentence for the criminal offence of intercourse over a helpless person was increased from two to five years, while the maximum sentence was increased to 12 years (thereby equating this sanction with the sanction for the criminal offence of rape).

**New criminal offences have been introduced into the Criminal Code, namely: female genital mutilation; persecution; sexual harassment, and forced marriage.**

**A prison sentence of three months to three years has been envisaged for the criminal offence of “forced marriage” for persons who utilize force or threats to coerce another person into marriage, and a two-year prison sentence is prescribed for the offence as per paragraph 1 of this law performed by leading another person abroad or inciting them to move abroad with the same purpose.**

There were no criminal charges for this offence filed to date since the Law has come into force.

Police officers of the MoI of the Republic of Serbia have submitted three instances of criminal charges during the period 01 January 2015 - 30 September 2017 due to reasonable suspicion of the criminal offence of “human trafficking” as per paragraph 388 of the Criminal Code having been committed. Regarding the above, five female persons have been identified as exploited with the aim of forced marriage, one of them adult and four minors.

We would also note that the changes required for harmonization with the Council of Europe Convention on CyberCrime, improving the criminal-legal protection of girls and boys online, have been introduced into the description of the criminal offence as per Article 185 - the displaying, acquisition and owning of pornographic materials and the exploitation of minors for pornography. Likewise, the provision of article 186, envisaging prosecution for criminal offences as per article 178 Rape and 179 Intercourse with a helpless person committed towards a partner in marriage and the criminal offence as per Article 182, paragraph 1.

**The Law on the Prevention of Domestic Violence[[5]](#footnote-5)** comprehensively regulates the organization and actions of state bodies and institutions and provides for the prevention of domestic violence through the faster provision of protection and support to victims of domestic violence and an essential implementation of the key solutions as per the Istanbul Convention.

The Government **Council for Combating Domestic Violence**, its establishment envisaged by this Law, monitors the implementation of the Law and improves the coordination of competent state bodies, institutions and other entities and the effectiveness of the prevention of domestic violence and protection from domestic violence.

A systematic approach to monitoring the recommendations of UN human rights mechanisms has been established through the activities of the **Government Council for monitoring the recommendations of UN human rights mechanisms**. Two-day trainings have been organized in May and September of this year for members of the Council, contact persons and their deputies appointed in the sectors for monitoring the implementation of recommendations in order to strenghten their capacities to monitor the implementation of recommendations, as well as to introduce indicators to provide for efficient monitoring.

Results achieved regarding the partial improvement of the health of the Roma population and the availability of healthcare and health insurance coincide with the deployment of healthcare mediators. The work of healthcare mediators regarding the health education of Roma is the most successful public policy measure undertaken since the adoption of the Strategy for the Improvement of the Status of Roma 2009-2015.

The second **National Action Plan (NAP) for the implementation of United Nations Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia for the period 2016-2020** has been adopted.It includes a greater number of stakeholders with the emphasis on implementing activities at the local level. It will be applied in the field of prevention, participation, protection and recovery, with greater inclusion of women in preserving peace and security at the local community level, particularly in security councils and gender equality councils. The new NAP particularly emphasizes the importance of preventive action, protection and recovery of women from the consequences of contemporary challenges, risks and threats to security particularly impacting marginalized women and women discriminated based on multiple grounds (women with disabilities, Roma women, women older than 50 years of age, women refugees and internally displaced women, women from rural areas, single mothers, women from minority groups, women victims of violence, women of alternative sexual orientations or gender identities and women from underdeveloped rural areas).

The founding of the Centre for the Protection of Victims of Human Trafficking started the process of institutionalizing support for victims of human trafficking. The protection of victims is being implemented continuously through the coordination role of the Centre with the participation of relevant institutions and non-government organizations. The reintegration of victims is one part of the process of providing assistance and support.

During 2016 and 2017 the Centre for Family Accommodation and Adoption Belgrade has been implementing a project for the development of fostering for child refugees/migrants, including care for children within this population who are victims of human trafficking. The accommodation of child victims of human trafficking is under the exclusive competence of the state and always starts from the option of placing children in foster families.

***Strengthening staff capacities and raising public awareness***

The state recognizes the importance of education, continued capacity building of staff, and raising public awareness in the field of prevention of early and forced marriage. To this end, the development plans and annual work plans of educational institutions contain defined activities related to the prevention of all forms of violence, discrimination, segregation or similar phenomena, including the prevention and identification of child, early and forced marriages.

Educational institutions draft action plans for each school year, along with a work plan for the Team for the protection from violence, abuse and neglect.

School administrations provide support to the teams, assess the safety of students in the school environment, monitor and analyse the quality of preventive activities and reactions in cases of violent situations, act upon petitions regarding situations of violence in educational institutions, etc. They cooperate with all relevant institutions working on problems of violence with the aim of resolving specific problems and designing preventive activities at the local level.

Educational institutions, through cooperation with police administrations, social work centres, healthcare centres, government and non-government organizations, are implementing lectures for students, teachers and/or parents on various topics related to the following: human trafficking, gender equality, domestic violence, sexual violence, discrimination, digital violence, etc.

Accredited curricula are being drafted in the field of gender equality, human rights, discrimination and discrimination based on multiple grounds, for staff in educational institutions.

An initiative has been started for the revision of teaching content and textbooks to eliminate gender stereotypes, discriminatory content and discriminatory language. Content on reproductive health and sexual education is being introduced, including issues of gender relations, gender roles and responsible sexual behaviour, as mandatory in primary and secondary school curricula, through various subjects.

The Minister competent for education prescribed a list of priority areas for professional development of importance for the development of education for a three-year period, between 2016 and 2018[[6]](#footnote-6). The competences of staff in education have been improved through the introduction of mandatory educational programmes on gender equality and the inclusion of content on gender equality in the examination for obtaining a licence to work in schools/education.

The Social Inclusion and Poverty Reduction Unit, in cooperation with the Coordination Body for Gender Equality and the Institute for the Improvement of Education, is preparing an analysis of educational plans, curricula and textbooks for the subject of Serbian Language and Literature in primary education in the context of gender equality, with the aim of eliminating gender stereotypes, discriminatory context and language.

The Social Inclusion and Poverty Reduction Unit implemented a training for journalists on gender sensitive reporting and affirmative representation of vulnerable social groups, with a focus on groups marginalized based on multiple grounds, such as Roma women, women with disabilities, and women victims of violence. This training was implemented in cooperation with the Coordination Body for Gender Equality of the Government of the Republic of Serbia and the UN Women Programme Office in Serbia. Gender equality training was also implemented for civil servants.

A Team for the Introduction of Gender Responsible Budgeting of Budget Beneficiaries in the Republic of Serbia has been established within the Ministry of Education, Science and Technological Development, and it has completed the relevant trainings.

As part of its regular annual programme, the Human Resource Management Service is implementing trainings for civil servants in the field of human rights, anti-discrimination and gender equality.

As part of the activities for the protection of children and students from sexual violence and abuse, the Ministry implemented the project “Prevention of Gender-Based Violence” as part of the programme “Integrated Response to Violence against Women”, implemented by UNICEF, UN WOMEN and UNDP.

The project implemented a survey on the frequency of gender-based violence in 50 primary and secondary schools in Serbia, with the participation of 11,669 boys, 10,708 girls and 3,258 teachers. The results of the survey have been published, and a Manual for the Prevention of Gender-Based Violence has been produced, available to all schools in Serbia.

Trainings and activities were planned and implemented based on the obtained survey results to help employees of the educational system to improve their competences and the capacities of the school in general for preventive work and response to various forms of violence. The staff of over 1800 educational institution have been trained, along with 5800 girls and 4900 boys.

The “School without Violence” programme, implemented by the Government of the Republic of Serbia in cooperation with UNICEF, covers 19,000 teachers and 229,000 students and their parents, as well as over 60 active mentors in 274 primary and secondary schools across the territories of 90 municipalities and towns.

The programme evaluation identified the following significant changes:awareness has been raised regarding violence; the safety of students and adults in schools has been increased; 56-85% of students say they feel safer in school; the number of serious forms of violence has been reduced and violence in junior levels has been decreased - the survey is showing that cases of serious forms of physical violence have decreased, and that there are considerably fewer cases of all forms of violence at junior levels; student capacities for reacting to violence have been increased; the network of protection has been improved.

Likewise, an instrument was developed to assess gender-based violence and a national report was drafted on the extent of gender-based violence.

The Social Inclusion and Poverty Reduction Unit initiated the process of recalculating the Gender Equality Index for Serbia with new data and following the methodology presented by the European Gender Equality Institute in the Gender Equality Index 2017.

***Actions in humanitarian situations***

The Emergency Law[[7]](#footnote-7) regulates the protection and rescue system in the Republic of Serbia. This law contains no provisions specifically regulating the protection of certain vulnerable groups of society. However, the Law prescribes priority during evacuation for mothers with children up to 15 years of age, and/or other persons legally bound to care for and nurture minors under 15 years of age; pregnant women; sick persons, persons with disabilities and other persons requiring help and nurture by others; persons under 16 years of age and older than 65 years of age (men) and/or 60 years of age (women). The decision on the scope of evacuation and population categories being evacuated shall be adopted by the body ordering the evacuation (Article 57).

During emergencies or a state of war the Ministry of Interior shall execute tasks within its scope of competence by adapting its organization, forms and methods of work to the occurring changes in accordance with the law and other regulations on actions in such situations.

Likewise, this ministry shall plan the use of material-technical assets, infrastructure, land and facilities in emergency and humanitarian situations.

Minors who are actual or potential victims of violent offences shall be treated by the police in accordance with legal competences, as well as procedures from the General and Special Protocol for the protection of children from abuse and neglect. If there is a basis for suspicion that a child is a victim of a criminal offence envisaged to be prosecuted based on official duties, criminal charges shall be filed to the competent prosecution, and the police, state and other bodies, legal persons and citizens shall act further upon their orders. When the police receives reports of criminal offences they shall immediately submit them to the competent public prosecution.

In case of an event with elements of violence, abuse, exploitation or neglect, with direct endangerment of the life, health, bodily integrity of a child, the police shall be notified without delay and they shall undertake emergency measures and actions required to prevent, and/or halt the further occurrence of the violent offence, finding, arresting and detaining the perpetrator of such an offence, and in cooperation with the social work centre shall undertake activities to ensure the safety of the child. The police shall immediately, and at the latest within 24 hours, notify the competent public prosecutor on the measures and actions undertaken, and shall act upon their further orders. Competent healthcare and educational institutions, as well as other competent bodies and organizations shall be involved in the process of child protection. The emergency action procedure shall be applied in all cases when a child is directly endangered by any form of violence.

1. “Official Gazette of RS”, no. 94/16 [↑](#footnote-ref-1)
2. “Official Gazette of RS”, no. 18/2005, 72/11 - other law, 6/15 [↑](#footnote-ref-2)
3. "Official Gazette of RS – International Agreements“, no. 12/13 [↑](#footnote-ref-3)
4. “Official Gazette of RS”, no. 94/16 [↑](#footnote-ref-4)
5. “Official Gazetteof RS”, no. 22/16 [↑](#footnote-ref-5)
6. See the website: katalog2016.zuov.rs [↑](#footnote-ref-6)
7. “Official Gazette of RS”, no. 111/09, 92/11 and 93/12 [↑](#footnote-ref-7)