OFFICE FOR HUMAN AND MINORITY RIGHTS

Sector for Promotion and Protection of Human Rights

B e l g r a d e, 29 November 2019

**QUESTIONNAIRE RESPONSES**

In accordance with Resolution 73/153 GS UN – “Child, early and forced marriage“

**1.**

Numerous activities carried out in Serbia over the past period, may be directly attributed to the recommendations provided in this Report. The achievement of objectives set in the Agenda 2030 have been monitored in a systematic way. The legal, strategic and institutional frameworks have been upgraded. In addition, the line ministries responsible for interior affairs, education, social welfare and telecommunications have conducted various programmes within the IPA.

With regard to the cooperation with the United Nations’ human rights mechanisms, Serbia has been regularly fulfilling its obligations of reporting to the contracting bodies, including the Committee on the Rights of the Child and underwent the third cycle of the Universal Periodic Review (UPR)in 2018.

In April 2018, the *Board for human and minority rights and gender equality* held its session in the National Assembly of the Republic of Serbia, to discuss the topic of “The Right to Choose a Partner and Drawing Attention to Child Marriage in the Roma Population”. The session was organized in collaboration with the Roma Women’s Centre “Bibija”.

It might be worth mentioning in February 2019, the *National Coalition for Ending Child Marriages* was formed at the initiative of the Coordination Body for Gender Equality and UNICEF seeking to prevent and eradicate child marriage in Serbia by a coordinated and comprehensive action taken by all the responsible institutions, civil societyorganizations independent bodies, media and individuals.

**2.**

*Amendments to the Family Law* under way, will lay down that marriages will be permitted only between the persons who reached the age of majority, while any marriage entered into by a person under 18 years will be deemed null and void. Any parents arranging and negotiating the marriages between minors will be held liable and be sanctioned for the criminal offense, including the persons of age who enter into marriage with a minor.

Even though a child aged above 16 years may enter a marriage upon the permission of the court, if such permission has been provided under pression and if such marriage has been forced, this will be considered as a criminal act (Art. 187а CC). In addition, entering a common law marriage with a minor is considered a criminal offense, regardless whether it has been forced or not (Art. 190 CC). The imprisonment of up to three years has been laid down for such criminal offence, and the same sanction has been laid down for parents, an adoptive parent or a guardian enabling or inducing a minor to live in a common law marriage with a person who reached the age of majority.

Furthermore, the description of criminal act *Showing, procuring and possession of pornographic material and exploitation of minors for child pornography* (Article 185 of the CC) has been amended so as to be harmonized with the Council of Europe Convention on the Cybercrime, enhancing the legal protection of underaged girls and boys on the Internet.

The amendments to the Criminal Code, introduced in 2016. have *deleted the provisions prescribing that the prosecution is undertaken upon the reported* *criminal offences* of rape, sexual intercourse with a helpless person inflicted on a spouse and for a prohibited sexual misconduct.

In May 2019, the Ministry of Labour, Employment, Veteran and Social Affairs adopted the Instructions on the operations of the Social Welfare Centres – guardianship institutions, regarding the protection of children against child marriage, along with the filed works performed with the families at risk of the child marriage, through the *family associate service*.

**3.**

In 2015, the *program budgeting* was introduced in the Republic of Serbia, together with the *gender responsive budgeting*. In accordance with the plan and instructions of the Minister of Finance, Provincial Secretary for Finance and/or local self-government bodies, budget funds have been allocated for the implementation of gender responsive measures accompanied with indicators to measure the achievement of the set objectives.

**4.**

The implementation of a number of strategic documents is in progress, containing in their Action Plans the measures for combating marriages of minors: *National Youth Strategy* *(2015-2025);* *Strategy to Prevent and Suppress Trafficking in Human Beings, especially Women and Children and to Protect Victims for 2017-2022*; *Strategy for the Social Inclusion of Roma Men and Women in the Republic of Serbia for the period 2016– 2025 and National Strategy of Gender Equality for the period 2016-2020.*

**5.**

*Annual Adult Education Plan* is adopted each year.

*The Rulebook on the Enrolment of Secondary School Students over the age of 17, adult students and Roma students* allows easier enrolment of students in the desired secondary schools. It is estimated that 40% of members of the Roma community attend the functional adult primary education program.

Regarding the *non-formal adult education*, out of the total of 225 applications for accreditation of Publicly Approved Training Organizations, 55 procedures were completed and obtained the Minister’s Decision on Accreditation for the period of 5 years.

In addition, the *Rulebook on Pedagogical and Andragogical Assistant* has been prepared and in the process of adoption and harmonization. This document will provide a more detailed job description of the pedagogical assistant. Support is provided to the work of teams in vocational schools providing dual education and in upgrading the existing and developing new programmes for the unemployed youth outside the education system, belonging to vulnerable groups.

**6.**

Within the *Civic Education* course, there are thematic units on gender-related issues, instructing the students to recognize different forms of violence.

One of the five priority areas for mandatory teacher training is to create a tolerant and non-discriminatory environment and prevent violence, discrimination and facilitate inclusion. The *Catalogue of Permanent Professional Development Programs for Teachers and Professional Associates* for the school years: 2015/16, 2016/2017 and 2017/2018, includes the 19 approved programmes in the field of gender equality and protection against violence and discrimination.

 (<http://katalog2016.zuov.rs>).

The Ministry of the Interior, in cooperation with other ministries, institutions and organizations of civil society, has provided for the communication of child rights, through the implementation of preventive actions and programs: "Fundamentals of child safety", "School without violence - my school, safe school", "Matura and local projects in accordance with the Community Police Strategy Action Plan.

Please note that the last – the Second and the Third Periodic Reports on the Implementation of the Convention on the Rights of the Child contain the views and opinions of children about the extent to which they exercise their rights in everyday life, especially the right to health, education, safety and life in a culture of non-violence, non-discrimination and protection against peer violence. Concurrently, in January 2017 when the presentation was made, the state delegation of Serbia, with the support of the UNICEF Office in Serbia, included the children from the Children’s Information and Cultural Service in the dialogue with the Committee, operating under the Child Rights Centre, whose members are the children from all over Serbia.

**7.**

Specific support measures in the field of education are implemented by the Ministry of Education, Science and Technological Development. Since their systematic introduction, overall 10,533 Roma students have been enrolled in secondary schools, of whom 55% are girls. So far, a total of 1,743 students have enrolled in higher education institutions, 51% of them being girls. In the academic year 2018/19, 115 Roma students were awarded scholarships, while 17 credits were granted.

261 *pedagogical assistants* have been providing assistance and additional support to children and students, establishing the cooperation with parents and/or guardians and together with the school principals, they also collaborate with the responsible institutions, organizations, associations and local self-government units. This is the action designed to support the social inclusion of Roma children into the educational system.

Another example of good practice is the *introduction of dual education* supporting and encouraging the girls to opt for technical professions that have been perceived in the society as exclusively “male-dominated occupations“.

**8.**

The health care system is committed to ensuring equal access to services and solidarity principle. More than 90% of Roma population exercise their right to compulsory health insurance, considering that the affiliates of Compulsory Health Insurance Fund are allowed to grant this right to persons of Roma nationality who do not have personal documents, based on the statement of two witnesses.

Health Care institutions apply the *Special Protocol of the Health Care System for the Protection of Children against the Abuse and Neglect* as well as the *Special Protocol of the Ministry of Health of the Republic of Serbia for the Protection and Treatment of Women Exposed to Violence*

Social Welfare Centres promote social protection services and rights in the local community exercised by children being at risk or children in child marriages, including their families. They also conduct activities regarding informing children, parents and guardians of the harmful consequences of this phenomenon, as well as encouraging and supporting children, especially girls, to continue their education.

The Republic Institute for Social Protection, in cooperation with UNICEF, is implementing the project "Improving the social welfare system for the purpose of strengthening families". As part of the component "Involvement of Social Welfare Centres and Other Relevant Social Service Providers in Suppressing Marriage Practices", the RISP also piloted the *family associate* service. In the coming period, trainings are planned for the Social Welfare Centres, that will enable professional workers throughout Serbia to understand the phenomenon of child, early and forced marriages. RISP is planned to identify good practice in project implementation environments, in order to reflect them in other areas.

**9.**

*The Law on the Prevention of Domestic Violence,* effective as of 1st June 2017, laid down the obligation to report any cases of domestic violence. This law, in addition to the responsible state bodies, also includes institutions in the field of child protection, social protection, education and health by providing assistance, reporting violence and providing support to the victims of violence. It also lays down the urgent response and coordinated action of the police, public prosecutor's office, courts and social welfare centres. The law sets forth two urgent measures: *an urgent measure to remove the perpetrator from the apartment and an urgent measure to prohibit the perpetrator from contacting and approaching the victim*. These measures are imposed by a *police officer for the prevention of domestic violence* and may be effective for 48 hours, and be imposed cumulatively. If the public prosecutor finds that there is an imminent threat of domestic violence, he or she is obliged to file a motion to prolong the urgent measure. The court will review the risk assessment of the competent police officer, the risk assessment made by the primary public prosecutor and review the filed evidence and allegations made in the public prosecutor's motion. The urgent measures may be prolonged by a court order for another 30 days. The Basic Court Prosecutor shall decide on the motion of the primary public prosecutor within 24 hours as of the receipt of the motion and without holding a hearing. The law contains penalty provisions defining offences and enhancing the effectiveness of urgency and protective measures and injunctions against domestic violence.

The Government has established the *Council for the Suppression of Domestic Violence* to monitor the implementation of the Law and improve the coordination of competent authorities.

Also, in August 2016, the Minister responsible for family protection issued *a special order to all Social Welfare Centres - on the standards of procedure and actions of centres in responding to the cases of domestic violence and organizing the protection of domestic violence victims*.

**10.**

The MoESTD has the function *Group for Protection against Violence and Discrimination*.

*The Civil Procedure Law* allows that parties having low income are exempt from the payment of all court expenses, including the court fees.

*The Law on Free Legal Aid*, that entered into force on 1st October 2019 has laid down that this right may also be exercised by persons who are entitled to the legal protection against domestic violence (Article 4, Paragraph 3, Item 4).

**11.**

*The Republic Institute for Social Protection*, on the basis of reports received from the Social Welfare Centres: 1) keeps records of reported child marriages and submits annual summary reports (with aggregate data) to the ministry responsible for social welfare; 2) by the end of February of the current year, submits to the ministry competent for social protection a summary report (with aggregate data) on child abuse of children in terms of marriage for the previous year, as well as on minors for whom social welfare centres have been requested to submit their opinion in the court proceedings for giving the consent of the court to the marriage.

The adoption of the Law on the Prevention of Domestic Violence enabled the systematic collection and monitoring of gender-sensitive data derived from the cases of violence, by developing the *Central records of cases of domestic violence*, maintained by the Public Prosecutor's Office.

The *Law on Central Population Register*, that will enter into force on 1st September, 2020, will upgrade the records on marriages with regard to complexity, accuracy and availability of all the required statistics on marriages.

The most reliable source of data on child marriages so far, has been the *Multiple Indicator Cluster Surveys (MICS).* The *sixth MICS cycle is in progress in Serbia*, carried out in cooperation with the EU Delegation to Serbia, UNFP, UNICEF and the Statistical Office of the Republic of Serbia. Considering the *Sustainable Development Goals (SDG)* in place, and the need to report on 230 indicators, MICS has evolved into a tool that will provide data for more than 50% of SDG indicators using a single research. Today, MICS indicators are being used as the basis for monitoring the Roma Inclusion Strategy and the accompanying Action Plan as well as the Action Plan for Chapter 23.