

2014-01-16

## Fråga-svar

### Serbien. Barn i familjehem

#### Fråga

Frågan gäller ett barn med funktionshinder som efter födsel i Sverige blivit omhändertagen enligt LVU och som därefter har varit familjehemsplacerad cirka två år. Svenska myndigheter har bedömt att vårdnadshavare inte kan tillgodose barnets behov. Hur ser lagstiftningen ut i Serbien (motsvarande socialtjänstlagen) vad gäller familjehemsplacering eller motsvarande?

#### Svar

UNICEF Serbia (2013)

“The most important achievements and contributions of the project to the reform of the social-welfare system in the past three years relates directly to children with disability. The number of these children placed in residential institutions has dropped for around 30 per cent, while a legislative ban on institutionalization of children under three years of age is bearing fruit with the numbers dropping every year. At the same time, the number of services for children with disability at community level has almost tripled”, said UNICEF Representative Michel Saint-Lot.”

International Organization for Migration. IOM, Tyskland. Bundesamt für Migration und Flüchtlinge. BAMF, (2013):

Sid. 6

“III. SOCIAL WELFARE

1. General information: Legislation

A Social welfare office can be found in every Municipality in Serbia.

In Belgrade (the capital) there are 16 Social Welfare offices.

The Social Welfare office is in charge of:

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· Assistance to disabled persons

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· Assistance to children without parents”

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Sid. 7

”There are special institutions taking care of groups with the special needs such as old persons, solitary women, orphans, and victims of trafficking or family violence.

For example:

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· Institution for mentally disabled children: Sremčica, 9. nova 2, Belgrade, phone: +381 11

8016 291, +381 11 8016 329, +381 11 8016 245

· Orphanage: Zvecanska 7, Belgrade, phone: +381 11 2648-622, +381 11 3690 314

· Reformatory Home for Children and Youth: Bulevar Oslobođenja 219, phone: +381 11 2492 301

· Reception Unit for Children and Youth: Boulevard Oslobođenja 219, phone: + 381 2492 301

· Shelter for the Homeless Children: Krfska 7, Belgrade

· Safe House (Shelter) for the victims of domestic violence.

[www.b92.net/safehouse](http://www.b92.net/safehouse)

Person needs to refer to Social Security Office in their place of residence in order to get relevant information for specific city/village or area.

The Shelter for the Homeless Children started to work on the new location in 2008 with the aim to provide meals, clean clothes and access to various experts in the premises of the Shelter to children living and working in the streets of Belgrade

<http://www.cim.org.rs/>.”

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Sid. 10

” VI. HOUSING

1. Accommodation for returnees without family in home country

Unfortunately there is no specific state institution providing social accommodation/housing or shelter for social cases, returnees etc. unless it concerns domestic violence cases and trafficking in human beings.”

US Department of State (2013):

Sid. 24

“Children in orphanages and institutions were sometimes victims of physical and emotional abuse by caretakers and guardians and sexual abuse by peers.

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Institutionalized Children: According to UNICEF, there are five institutions for children and youth with disabilities in the country. UNICEF’s projects focused on developing foster care for children with disabilities as an alternative form of protection. The Ministry of Labor, Employment, and Social Policy, in cooperation with UNICEF and with the financial support of the EU, was engaged in implementing a project to transform residential institutions for children and find sustainable alternatives. According to UNICEF, although the country has a long tradition of fostering children, the progress in deinstitutionalizing and finding placements for children with disabilities is slow. There were approximately 1,100 children in specialized institutions.”

Center for Society Orientation (2012):

[sid. 55]

” **2.1.2. Key findings and recommendations regarding the legislative reforms on social services for persons with disabilities in Serbia**

*Law on Social Protection* - This law was adopted in the context of the state’s wide reform process of the social protection system, providing better protection for families of children with disabilities, measures of deinstitutionalization, foster parenting and independent living. The inclusion of these new services into legal framework presents a big step forward in the development of support services which will enable full social inclusion and independence of persons with disabilities. Still in the scope of social services, the significant changes are anticipated in the institutional and regulatory field – introduction of chamber of social welfare, licencing of professionals and service providers, service public procurement procedures, accreditation of services, etc. It is presumed that all these new solutions will enable functioning of a system with recognition of minimum standards, equal treatment for public and private service providers and moving from institutional, closed protection towards alternative, supportive and community based services of good quality.”

European Commission (2011):

Sid. 22

“The Family Care and Social Welfare Department drafts legislation and regulations on social welfare, family law protection, income support for families with children and offers guidance related to psychological consultation and activities, development of national

social welfare strategy, its implementation and follow-up, monitors compliance of social welfare institutions and other service providers, ensures inspection services as well as inspection and control over field-specific activities carried out by the institutions and other service providers, both private and public, involved in the provision of social welfare and protection. The Department is focused to quality mainstreaming into the social welfare system and development of accreditation and licensing of services and service providers, advancement of control management system and promotion of community-based services.”

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Sid. 24

” Regulations:”

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” Rulebook on terms and conditions under which social protection institutions for residential care of children and young persons without parental care and children with behavioral disorders may be established and on rules and standards for their operation and work.”

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“Rulebook on terms and conditions under which the social protection institutions for residential care of children and young persons with mental disabilities may initiate their operations and work, carry out their activities as well as on rules and standards according to which they can carry out these activities.”

Serbien. National Assembly, *Republic of Serbia. Family act*, (2005):

sid. 3

” Article 12

(1) The activities of family protection, family aid and guardianship, in terms of this Act, are performed by a centre for social services (further: guardianship authority).

(2) When the guardianship authority decides on administrative matters while performing the activities prescribed by this Act, it performs these activities as entrusted.

(3) The minister responsible for family protection prescribes the manner in which the activities of guardianship authority are organized, the standards of professional activities and the contents and the procedure of record keeping and documentation.”

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Sid. 23

” **ADOPTION**

**I. ESTABLISHMENT OF ADOPTION**

*Competency*

Article 88

Adoption is established by a decision of the guardianship authority.

**General Eligibility of the Adoptee**

*Interest of the Adoptee*

Article 89

A child may be adopted if it is in his/her best interest.

*Minority of the Adoptee*

Article 90

(1) Only a minor may be adopted.

(2) A child may not be adopted before reaching the third month of life.

(3) A minor who has acquired full legal capacity may not be adopted.”

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Sid. 28

” **General Eligibility of the Foster Child**

*Interest of the Foster Child*

Article 111

Foster care may be established if it is in the best interest of the child.

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*Minority of the Foster Child*

Article 112

(1) Foster care may be established only if the child is a minor.

(2) An established foster care may continue after the foster child has reached the age of eighteen, if the child has an impediment in psychophysical development and is unable to take care of himself/herself and of the protection of his/her rights.”

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Sid. 33

” *Collective Guardian*

Article 130

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The manager of a social service institution for user accommodation, or a person employed in such an institution, may be appointed as the guardian of all the wards accommodated in that social service institution, if he/she consents to it and if it is in each wards' interest.”

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Sid. 91

” **5. Proceeding for Placement under Guardianship**

*Initiation of Proceedings*

Article 329

(1) The proceedings for placement under guardianship are initiated by the guardianship authority *ex officio*.

(2) The initiative for initiation of proceedings for placement under guardianship may be submitted by health care and educational institutions or social service institutions, judicial and other state authorities, associations and citizens.”

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