

LETTER TO MR. OZREN TOSIC, SERBIAN REFUGEE COMMISSIONER

WRITTEN BY GROUP 484 AND “SWALLOW” - HOUSE FOR WOMEN FROM KRAJINA ON BEHALF OF THE NETWORK OF TRUST

Dear Mr. Tasic,

Families living in refugee context face new circumstances and problems that intensify family disturbances and developmental disorders in children.

Protection measures for the refugee child are closely linked to intervention of the state and they may be from giving warning to providing professional help to parents to direct supervision how they implement their parental right. In all the activities that are related to children it is to give primary attention to the best interest of children no matter if this is carried out by public or private social protection institutions, courts, administrative bodies or legislative bodies (Article 3, CRC).

The Ministry of Justice, the Ministry of the Interior, the Ministry of Social Welfare as well as the Refugee Committee that works directly with refugees and IDPs – all are responsible to take every possible measure so that the process of identification, keeping evidence and decision making on gender-based violence cases becomes efficient through: organizing network on local level that would enable early diagnosing of child abuse; keeping records and building database of GBV cases; emergency level in dealing with domestic violence, sexual assault and following steps such as deprivation of parental right, etc.); supporting co-operation of GOs and NGOs; educating young professionals to work with abused children, etc.

Additional problem that shows up when organizing protection system for refugee children lies in practicing heavy violation of Article 3 CRC both by other state institutions and yours.

Some administrative measures practiced are fully opposite this Article. Refugees and IDPs often have no necessary papers (ID, etc.) therefore it is not possible to start up prosecuting or any other decision in the aim of protecting the child.

This is why we call your institution to take all the steps to increase efficiency and help that inadequate administrative measures would be minimally used. This should be primarily applicable when child abuse and neglect case met and this would be in accordance with Article 19, CRC.

1. State members take all the legislative, administrative, social and educational measures to protect the child from all the forms of physical and mental violence, injuries and abuse, neglect and disregard, molesting and exploitation, including sexual abuse, while the child has been in care of parents, legal guardians or other caretaker.
2. Related protection measures should include efficient acts to assess social needs connected to providing necessary support for the child and those who have the child in care as well as other forms of preventing, detecting, reporting, prosecuting, investigating, suing and monitoring cases hereby described abuse of the child and, when needed, coming up at the court.

Out of quoted CRC Articles we conclude that international law pays special attention to efficient and fast solving all cases in the context of protecting the rights of minors in front of all state and other institutions concerned with this issue. Since Serbia and Montenegro ratified both UN and European Convention on the Rights of the Child, this should be the way of working of our state institutions, too.

Sincerely,

Group 484

“Swallow” - House for Women from Krajina

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