
Mental Disability Rights Initiative

Children with disabilities in residential social care institutions in Serbia

The policy of deinstitutionalization, as a prerequisite for inclusion of children with disabilities, has not been improved in the previous period. There is still no comprehensive plan or strategy on deinstitutionalization of children with disabilities in Serbia. They are overrepresented in the institutional care:

- about 80% of children in social care homes for children and youth are children with disabilities,
- there are still five big residential institutions for children and young people with disabilities with over 300 clients, while half of them are adults with disabilities.
- only 9% of children placed in family-based care (foster and kinship families) are children with disabilities¹
- Roma children are also over-represented in residential care
- Children with disabilities do not leave residential care – when the number of children in an institution is decreased, it usually means that children have turned 18 and are registered as adults. Basically, they remain in the same institution or they are transferred to the institutions for adults.²

Contrary to its proclaimed commitment to deinstitutionalization in Serbia, at the beginning of April 2016, the Ministry of labour, employment, veteran and social affairs opened over 100 new places/beds in the institution “Nikola Sumenkovic” in Stamnica³, which is registered as a residential institution for children and young people with disabilities. In addition, in May 2016, the same Ministry invested in reconstruction of the institution “Kulina,”⁴ which together amounted to almost 1 million EUR.

The recommendations given to the institution for children and youth with disabilities “Veternik” by the Protector of Citizens (National preventive mechanism for Torture) have not been fulfilled. This institution remains to be over-populated, use physical and chemical

¹ All data from the Republic Institute for Social Policy

² The insights in documentation in the institution “Veternik” during monitoring visit in March 2016 by MDRI-S and National Preventive Mechanism for Torture shows such trend.

³ Media reports and official announcement at the ministry’s website (in Serbian language): “Vulin opens new building for persons with disabilities” national broadcasting agency Radio Television Serbia, 4th April 2016, <http://www.rts.rs/page/stories/sr/story/125/drustvo/2268858/vulin-otvorio-novoizgradjeni-objekat-za-ometene-u-razvoju.html> (accessed on 19 May 2016), and “Minister Vulin in institution for children with disabilities in Stamnica”, Ministry of labour, employment, veteran and social affairs, 3rd April 2016, <http://www.minrzs.gov.rs/lat/pres/saopstenja/item/5069-ministar-vulin-u-domu-za-decu-i-lica-ometena-u-razvoju-u-stamnici> (accessed on 19 May 2016)

⁴ Media report “Vulin: the reconstruction of Pink pavilion has started,” Tanjug, 9 April 2016, <http://www.tanjug.rs/full-view.aspx?izb=240186> (accessed on 19 May 2016)

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restrain and isolation of minors, and excessive antipsychotic therapy, which constitutes inhuman and degrading treatment that can amount to torture. In 2015, Council of Europe Commissioner for Human Rights, Niels Muiznieks visited this institution and also gave recommendation for immediate deinstitutionalization, but no effort by the Government has been taken in this regard.

One of the recommendations of the European Commission in its Screening report on Chapter 23 was for Serbia “adopt the Law aiming at protecting persons with mental disabilities in institutions of social welfare,” for which civil society believes to be risky and highly problematic, because it would provide legal grounds for Serbia to work on improving conditions within institutions rather than work on deinstitutionalization.

Another recommendation was to improve the protection and enforcement of rights of children with disabilities, including by strengthening relevant institutions, but no concrete steps or actions in this regard have been taken.

In April 2016, Serbia received Concluding observations of the Committee on the Rights of Persons with Disabilities⁵.

Recommendation 14. of the Committee on the Rights of Persons with Disabilities (related to Article 7. Children with disabilities of the CRPD)

The Committee urges the State party to strengthen its efforts to deinstitutionalise children, in particular those with intellectual and/or psycho-social disabilities, to prevent any new institutionalisation of infant under the age of 3, and to ensure a more efficient transitions of boys and girls from institutions into families. In the interim period, it recommends the State party to provide children with disabilities with sufficient early childhood intervention and development services, to initiate education programmes for the staff in institutions, and to develop efficient community-based care services for those leaving institutions.

Education

Although number of children with disabilities in regular education system is increasing after the comprehensive reforms in the education sector, there is still a high number of children completely out of school.

This particularly refers to children with disabilities in residential institutions, where over a half of the children of primary school age are completely excluded from the education system.

⁵ Committee on the Rights of Persons with Disabilities: Concluding observations on the initial report of Serbia, CRPD/C/SRB/CO/1, 21 April 2016

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Research implemented in 2015 on four residential institutions by MDRI-S⁶, , showed that there is only one big residential institution with almost 80% of children included in some type of education, while in other institutions, this percentage goes from 12% to 25% of children, and there is one institution for children where none of them is included in the education system. Those who are enrolled in schools, as a rule, go to special schools (not one child currently living in five big residential institutions for children with disabilities or small group homes in Serbia is enrolled in regular school), most of them are segregated and placed in *a special class within special school*. As a result of poorly organized and managed guardianship system in Serbia, majority of children with disabilities in residential institutions are not provided with additional educational support. Given the fact that majority of children with disabilities in residential institutions are under guardianship (guardian being an employee of the centre for social work), meaning that the State has a direct obligation under these children, it constitutes systematic neglect and violation of their right to education. The Ministry of education, science and technological development (especially its Group for social inclusion) confirmed several times its commitment to work on this issue, while there was no reaction by the Ministry of labour, employment, veteran and social affairs.

Recommendation 48. of the Committee on the Rights of Persons with Disabilities

The Committee urges the State party to identify concrete targets in the Action Plan for inclusive education for the period 2016-2020, to meet inclusive education standards and requirements. Special attention should be given to children with multiple disabilities, pupils and students with disabilities living in institutions, to the development of individual education plans, and accommodation of all types of disabilities.

It is important to emphasize that Serbia's declarative commitment to deinstitutionalization (DI) of persons with intellectual and psychosocial disabilities is not being realized. **Lack of comprehensive DI strategy and an action plan** has its consequences. A working group for transformation of the institutions for children was established in 2017. The aims of this working group, regarding organizational capacity transformation, are to create regional Family Support Centers (that should provide intensive family support services). This means that it is necessary to prepare transformation plans for each institution, to carry out a new systematization of workplaces in institutions and bring new solutions to the funding of institutions. Regarding a transformation of residential capacities, goal of the Government is to reduce accommodation capacities, so the only acceptable form of accommodation are small group homes and that the environment in which the child is placed is family-like. However,

⁶ Exclusion and Segregation of children with disabilities in residential institutions in the education system, Janjic, B., Beker, K., Mental Disability Rights Initiative MDRI-S, 2016, <http://www.mdri-s.org/wp-content/uploads/2016/04/Publikacija-ENG.pdf>

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SGHs must not be only one acceptable form of accommodation, because SGHs are institutions and are a form of residential care.⁷

According to some data the numbers of children in institutions has mildly dropped which caused a deceptive impression of DI; **however, many of these children became adults so they were formally taken out of the institutions for children clients lists, while physically staying in the same or getting transferred to another institution for adults (some residential institutions in Serbia are both for adults and children, such as Veternik or Sremcica).** Another way of taking children out of the large institutions is by putting them in small group homes. However, small group homes are especially dangerous for children because the children are usually never transferred to the community, and they are being relocated back to large institutions once they grow up.⁸ A separate and important issue is that these small group homes do not replicate family-like atmosphere, but on the contrary they are institutions and cannot be a substitute for family care.⁹

Currently a process of licensing of the residential institutions in Serbia is on-going. In order to get licensed these institutions are getting rapidly changed, both organizationally and infrastructure-wise. Thus the Government is investing more funds in these institutions instead of investing in alternative care and community-based services, and all this in spite of Serbia's declarative commitment to DI.

At the same time, the community-based services for children with disabilities and their families are underdeveloped. According to the results of the survey "Mapping social services in the mandate of municipalities" (2016), out of a total of 145 municipalities, day care services for children with disabilities existed in 68 local communities, which is one of the widespread services. However, the mapping of services does not provide insight in the quality of service and how and to what extent the services answer the needs of children. In its Concluding observations to Serbia, CRPD Committee recommended to include quality assessment of local services, which has not been done yet.

⁷ "Large or small group homes are especially dangerous for children, for whom there is no substitute for the need to grow up with a family. "Family-like" institutions are still institutions and are no substitute for care by a family." - Committee on the Rights of Persons with Disabilities, General comment on article 19: Living independently and being included in the community, 2017, par. 16.

⁸ Committee on the Rights of Persons with Disabilities, General comment on article 19: Living independently and being included in the community, 2017, par. 16.

⁹ Ibid.