LANZAROTE COMMITTEE

Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the thematic questionnaire

"Screening of professionals, volunteers and other persons in contact with children"

SERBIA

Replies received by the Secretariat on 7 July 2026

Main relevant provisions of the Lanzarote Convention and previous recommendations

Article 5 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures, in conformity with their internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children. The Explanatory Report to the Lanzarote Convention indicates that this obligation can be also applied to voluntary activities (see paragraph 57).

In the 2nd implementation report of the 1st monitoring round (2018), the Lanzarote Committee urged those Parties that limited mandatory screening to certain professionals to extend it to the recruitment of all professionals (public or private) in regular contact with children (R19) and invited Parties to encourage continuous screening of all professionals (R20) and volunteers (R21) in regular contact with children.

Article 27 paragraph 3.b of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to deny the perpetrator, temporarily or permanently, the exercise of professional or voluntary activity involving contact with children in the course of which the offence was committed.

Article 37 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to ensure that the information referred to in paragraph 1 (i.e. data related to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention) can be transmitted to the competent authority of another Party, in conformity with the conditions established in its internal law and the relevant international instruments.

Whenever the term "screening" is used in this questionnaire, this should be understood as "verification of criminal convictions for sexual offences against children".

In all your answers, please provide details to the extent possible and refer to specific laws, policies, programmes, measures, etc.

Please describe the legislation, policy and practice which are in force on 27 March 2026 or are in the process of adoption (in this case, please specify the planned date of entry into force).

Please indicate:

a. State Party in respect of which the questionnaire is submitted: Serbia

b. Entities and bodies which have been involved in responding to this questionnaire: Ministry of Science and Education (MSE); Ministry of Interior (MI); Supreme Court (SC); High Commissioner for Refugees (HCR); Belgrade Central Institution for Protection of Infants and Children (CZODO); Ministry for Family Welfare and Demography (MFWD); Belgrade Centre for Foster care Protection (CFP); "Atina" (Athens-NGO).

<u>Persons concerned by screening requirements</u>

1. Is the absence of criminal convictions for sexual offences against children required as a pre-condition in order to accede to professions, employment or volunteer positions whose exercise implies regular contacts with children? Please specify whether such restrictions apply to professions, employment or volunteer positions in the following sectors or areas of activities (additional details to be inserted below the table):

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	Yes, (MSE)		Yes, (MSE)		Among the key requirements for admission and continued employment in educational institutions is the requirement citing that it is necessary to request proof from the competent authorities

					confirming that no proceedings for committing violence against children have been conducted or initiated against a person. If proceedings for committing violence against children were or are being conducted against a person before a competent authority, this constitutes a legal obstacle to establishing an employment relationship in educational institutions (Article 139, Requirements for Admission to Employment, Law on the Fundamentals of the System of Education and Upbringing ("Official Gazette of the Republic of Serbia" 88/17, 27/18 (other law), 27/18 (other law), 10/19, 6/20, 129/21, 92/23, 19/25). (MSE).
Education – Primary	Yes, (MSE)		Yes, (MSE)		Among the key

					requirements for admission and continued employment in educational institutions is the requirement citing that it is necessary to request proof from the competent authorities confirming that no proceedings for committing violence against children have been conducted or initiated against a person. If proceedings for committing violence against children were or are being conducted against a person before a competent authority, this constitutes a legal obstacle to establishing an employment relationship in educational institutions. (Article 139, Requirements for Admission to Employment, Law on the Fundamentals of the System of Education and

					Upbringing ("Official Gazette of the Republic of Serbia" 88/17, 27/18 (other law), 27/18 (other law), 10/19, 6/20, 129/21, 92/23, 19/25). (MSE);
Education – Secondary	Yes, (MSE)		Yes, (MSE)		Among the key requirements for admission and continued employment in educational institutions is the requirement citing that it is necessary to request proof from the competent authorities confirming that no proceedings for committing violence against children have been conducted or initiated against a person. If proceedings for committing violence against children were or are being conducted against a person before a competent authority, this constitutes a legal obstacle to establishing an

					employment relationship in educational institutions. (Article 139, Requirements for Admission to Employment, Law on the Fundamentals of the System of Education and Upbringing ("Official Gazette of the Republic of Serbia" 88/17, 27/18 (other law), 27/18 (other law), 10/19, 6/20, 129/21, 92/23, 19/25). (MSE);
Education – Tertiary	Yes, (MSE)		Yes, (MSE)		The executive body (Rector, Dean, President, Principal) cannot be a person who has, by means of a final judgment, been convicted for a **criminal offence against sexual freedom**, forgery of a document issued by the higher education institution or acceptance of bribe in the performance of tasks within the higher

					education institution, i.e. who has, by means of a final judgement, been sentenced to imprisonment for another criminal offence, as well as the person who has severely violated the code of professional ethics i.e. the person who has been relieved of the duties of the executive body, in line with this Law, as well as the persons whom the Anti-Corruption Agency has recommended for discharge. Article 64, Law on Higher Education ("Official Gazette of the Republic of Serbia" 88/17, 27/18 (other law), 73/18, 67/19, 6/20 (other law), 6/20-20 (other law), 11/21 (authentic interpretation), 67/21 (other law), 67/21, 76/23, 19/25. A person sentenced by

					means of a final judgment for a **criminal offence against sexual freedom**, forgery of a document issued by the higher education institution or acceptance of bribe in the performance of tasks within the higher education institution may not serve as a teacher, i.e. associate. Article 72, Law on Higher Education ("Official Gazette of the Republic of Serbia" 88/17, 27/18 (other law), 73/18, 67/19, 6/20 (other law), 6/20-20 (other law), 11/21 (authentic interpretation), 67/21 (other law), 67/21, 76/23, 19/25. (MSE).
Education – Extracurricular (e.g. language schools)					
Childcare (e.g. kindergartens, crèches, childminders					
Institutional or residential care (e.g.	Yes. (CFP)	Yes. (CFP)			Professional workers, foster parents,

foster homes, orphanages, closed residential facilities)	Yes. (CZDO)	Yes. (CZDO)			adult household members of foster families. (CFP)
Detention					
Migration facilities (e.g. reception centres)					
Sport					
Culture and leisure activities					
Entertainment sector					
Faith and religion					
Healthcare (including psychological and psychiatric services)					
Social protection services	Yes. (CZODO); (MFWD)	Yes. (CZODO); (MFWD)			
Law enforcement					
Judicial					
Civil society organisations					
Victim services (including Barnahus, domestic violence services)					
Any other sectors (please specify)					

Here you can insert additional details or specify any exceptions.

Criminal conviction check for employment in public sector? –

YES, IT IS STIPULATED UNDER THE RULES ON THE PROCEDURE OF EMPLOYMENT AND INITIAL TRAINING OF EMPLOYEES AT THE CENTER FOR PROTECTION OF INFANTS, CHILDREN AND YOUTH (*CZODO*) - ALL PERSONS WHO ARE EMPLOYED AT *CZODO* SUBMIT, AS PART OF THE MANDATORY DOCUMENTATION, A CERTIFICATE THAT THEY HAVE NOT BEEN CONVICTED AND THAT NO PROCEEDINGS

CONCERNING THE PROTECTION OF CHILDREN ARE BEING CONDUCTED AGAINST THEM. (CZODO)

Criminal conviction check for voluntary activity? –

Yes. In the Republic of Serbia, the absence of criminal convictions for sexual offences against children is a mandatory pre-condition. This applies to any profession, employment, or volunteer position where the individual will have regular, direct contact with minors.

Applicable Legal Framework:

- **General Legal Requirement:** Under Serbian labour and public sector laws, candidates for roles involving direct work with children (e.g., in schools, kindergartens, sports clubs, and social welfare institutions) must provide an official Certificate of Good Conduct (*Uverenje o neosuđivanosti*) to prove they have no criminal record.
- **Criminal Code Provisions:** Specific provisions (such as Article 180 and Article 181) criminalize sexual acts with children and abuse of position. A conviction for these crimes results in permanent or long-term legal consequences, which include a statutory ban on establishing any employment or occupying any public position related to working with minors.
- **Special Registry:** Serbia maintains a specific registry for sex offenders whose victims were minors. Those registered are permanently barred from working with children (in accordance with the Law on Special Measures for the Prevention of Criminal Offenses against Sexual Freedoms against Minors, “Official Gazette of the RS” no. 32/2013). (SC).

NO, WE DO NOT HAVE THE FINANCIAL MEANS TO PAY ADMINISTRATIVE FEES FOR THE ISSUANCE OF CERTIFICATES, NOR CAN WE PASS THAT BURDEN ONTO VOLUNTEERS (WHO ARE MAINLY STUDENTS, PENSIONERS...). IT WOULD BE CONVENIENT IF THE INSTITUTION HAD A WAY TO CHECK WITH THE COMPETENT INSTITUTIONS (POLICE, PUBLIC PROSECUTOR'S OFFICE, COURT, CSW, PREVIOUS EMPLOYERS) IF THE SELECTED CANDIDATES HAVE BEEN CONVICTED FOR OFFENCES CONCERNING THE PROTECTION OF CHILDREN.

CZODO HAS A SERIES OF DOCUMENTS THAT DEAL WITH THE PROTECTION OF CHILDREN FROM DIFFERENT TYPES OF NEGLECT, ABUSE AND VIOLENCE (INCLUDING SEXUAL VIOLENCE):

- BASIC WORK PROGRAMME OF *CZODO*
- RULEBOOK ON THE ORGANIZATION OF WORK WITH BENEFICIARIES AND THE PROVISION OF SERVICES AT *CZODO*
- *CZODO* CHILD PROTECTION POLICY
- INSTRUCTIONS FOR THE APPLICATION OF THE GENERAL PROTOCOL FOR THE PROTECTION OF CHILDREN FROM VIOLENCE AND THE SPECIAL PROTOCOL FOR THE PROTECTION OF CHILDREN FROM VIOLENCE IN THE FIELD OF SOCIAL WELFARE AT *CZODO*. (CZODO)

2. In requiring the verification of criminal convictions for sexual offences against children in order to accede to the positions listed in question 1, does your State:
   a. define the level or threshold of contact with children (one-off, regular, etc.) which necessitates such a verification
   b. distinguish between direct, indirect or online contact with children?

   If yes, please provide details.

   Serbian legislation does not always explicitly define thresholds (e.g. one-off vs regular contact), but in practice:

   - screening applies to positions involving regular and direct contact with children
   - risk assessment considers the intensity and nature of contact. (CFP)

3. Is the absence of criminal convictions for sexual offences against children required to become:
   a. an adoptive parent Yes. (MFWD);
   b. a foster parent Yes. (MFWD);
   c. a child's legal guardian (including for unaccompanied children)? Yes. (MFWD).

   Please provide details.

It is regulated with Serbian Family Law, articles: 100. Para 2. Point 4. (Adoption); 117. Para 2. Point 4. (Foster care); and entire Article 128. (Guardian). (MFWD)

Yes. The absence of criminal convictions is a mandatory legal requirement for:

- foster parents (regulated by Law on Social Protection)
- legal guardians (regulated by Family Law)

Assessment procedures ensure that candidates have not been convicted of criminal offences that would make them unsuitable for caring for a child. (CFP)

YES – IT IS PRESCRIBED BY THE RULES AND PROCEDURES ON THE WORK OF CENTERS FOR SOCIAL WORK AND CENTERS FOR FOSTER CARE AND ADOPTION (LIST OF NECESSARY DOCUMENTATION REQUIRED FROM CANDIDATES BY CSW IN THE PROCEDURE) (COZDO)

* **Yes, the absence of criminal convictions is required in order to become** an adoptive parent, a foster parent, child's legal guardian (including for unaccompanied children)

Details:

- The requirement is not limited only to convictions for sexual offences against children.
- In practice, the person must **not have been convicted of any criminal offence** that would raise concerns about their suitability to care for or protect a child.
- This includes but is not limited to: sexual offences, violent crimes, offences against family relations, trafficking, exploitation, and other serious criminal acts.
- Verification is carried out through official criminal record checks, usually administered by the competent authority (e.g. Ministry of Justice, Ministry of Interior).

The absence of convictions is a **mandatory pre-condition** for approval in adoption, foster care, or guardianship proceedings, ensuring the child's safety and welfare. (MI)

4. Is the absence of criminal convictions for sexual offences against children required for the household members of:
    a. persons carrying out professional activity in their home who are in contact with children
    b. persons carrying out volunteering activity in their home who are in contact with children
    c. persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?

    Please provide details.

    In practice, the requirement concerning the absence of criminal convictions for sexual offences against children primarily applies to foster care providers (foster parents).

    Adult household members of foster families are assessed within the overall foster care assessment process; however, formal criminal conviction checks are not systematically required for all adult household members.

    The assessment process nevertheless considers the overall safety and suitability of the family environment in the best interests of the child. (CFP)

YES – STATED UNDER THE PREVIOUS QUESTION (CZODO)

Persons wishing to become adoptive parents, foster parents, or a child's legal guardian must ensure that all members of their household have not been convicted of criminal offences, in order to guarantee the safety and well-being of the child. (MI)

5. Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:

   a. children applying for professional or volunteer positions

   b. adults in respect of criminal convictions received before the age of 18?

   Please provide details.

   Screening requirements primarily apply to adults.

   In relation to offences committed before the age of 18:

   - access to such data is restricted
   - consideration depends on applicable legal provisions governing juvenile offenders. (CFP)

6. If a person legally changes their name, how does your State ensure that their criminal record remains linked to their new name?

   Please provide details.

Criminal records are maintained through the Unique Master Citizen Number (JMBG), ensuring continuity of identity regardless of name changes. (CFP)

When a person legally changes their name, the criminal record remains permanently linked to their identity.

- Criminal records are maintained on the basis of unique identification data such as the Unique Master Citizen Number (JMBG), date of birth, and place of birth, rather than solely on the person's name.
- When a name change occurs, the competent authorities (Ministry of Interior and Ministry of Justice) update the records so that the new name is connected to the same unique identifier. This ensures that all criminal convictions remain associated with the individual, regardless of changes in personal data such as name or surname. (MI)

7. Is access to public funds for projects implying contact with children conditional on the absence of criminal convictions for sexual offences against children for persons employed in or volunteering for such projects?

   Please provide details.

   Provision of foster care services is financed through the public system and subject to compliance with:

   - Law on Social Protection
   - licensing standards
   - supervision and contractual obligations

   Screening is an integral part of these requirements. (CFP)

Where an association of citizens has been selected for project co-financing, the Commissariat does not have the means to verify the previous criminal convictions of persons who will be engaged in the implementation of the project. However, within the framework of its procedures relating to the reception of asylum seekers and migrants, the Commissariat requires the signing of a Memorandum of Cooperation with all organisations providing various services and support in accommodation centres intended for these persons. One of the requirements for signing this document is that the organisations submit an appropriate Code of Ethics, including rules relating to protection against sexual exploitation and abuse. (HCR);

The Atina Citizens' Association has been providing direct support to victims of human trafficking for more than twenty years, including child victims of sexual exploitation, children at risk of human trafficking, unaccompanied children, and other children exposed to violence and exploitation.

From Atina's perspective, conducting criminal record checks on individuals who come into contact with children constitutes an important element of the child protection system; however, it is not, in itself, a sufficient mechanism for preventing the sexual abuse and exploitation of children.

Questions 1–7: Persons Subject to Criminal Record Checks

Atina supports mandatory criminal record checks for sexual offences against children for all persons who regularly come into contact with children, regardless of whether they are employed in the public sector, the private sector, or engaged as volunteers.

It is particularly important that this obligation applies in:

- the education system;
- the social protection system;
- the healthcare system;
- residential childcare institutions;
- foster care;
- civil society organisations;
- sports clubs;
- religious organisations;
- reception and migration centres;
- programmes intended for children without parental care and unaccompanied children.

Based on Atina's experience, unaccompanied children, children on the move, and child victims of human trafficking constitute particularly vulnerable groups requiring additional protection measures.

Atina considers criminal record checks to be essential in assessing the suitability of foster carers, adoptive parents, and guardians, as well as other adult members of the household living with the child. (NGO)

<u>Information included in screening</u>

8. Does the criminal record check include criminal convictions for:
   a. sexual abuse of a child (Article 18 of the Lanzarote Convention)

   b. sexual exploitation of a child ("child prostitution" Article 19 of the Lanzarote Convention)

   c. acts involving child sexual abuse material ("child pornography" Article 20 of the Lanzarote Convention)

   d. offences related to the participation of children in pornographic performances (Article 21 of the Lanzarote Convention)

   e. corruption of a child (causing a child to witness sexual activities) (Article 22 of the Lanzarote Convention)

   f. solicitation of a child for sexual purposes ("grooming"), including online (Article 23 of the Lanzarote Convention)

   g. aiding and abetting or attempting the above offences (Article 24 of the Lanzarote Convention)

   h. any other convictions (please specify)?

   Please provide details.

   Criminal record checks include offences defined in the Criminal Code, particularly:

   - sexual abuse of a minor
   - sexual exploitation of children
   - possession and distribution of child sexual abuse material
   - grooming and related offences
   - aiding, abetting and attempt

   Other relevant criminal offences may also be considered in the assessment of suitability. (CFP)

Yes, in the Republic of Serbia criminal record checks include all of the offences listed under the Lanzarote Convention. Any other convictions relevant to child protection, including violent crimes, trafficking, exploitation, and offences against family relations. (MI)

The public sector enforces these checks through two primary legal avenues:

The National Sex Offender Registry ("Marija's Law")

Under the Law on Special Measures for the Prevention of Criminal Offenses against Sexual Freedoms against Minors (known as **"Marija's Law"**), a strict secondary layer of verification is applied.

- Anyone convicted of the crimes listed above (a–g) is permanently entered into a special database.
- This law **strictly bans** convicted individuals from establishing employment or working in any public or private sector entity that involves contact with minors (e.g., schools, kindergartens, public healthcare, sports institutions, social welfare centres).
- State institutions are legally required to verify job applicants against this specific database prior to hiring.

General Conditions for Employment in the Public Sector

For standard civil service and administrative positions, the Law on State Employees (*Zakon o državnim službenicima*) regulates general conditions for employment.

- **Article 45** stipulates that no person may be employed as a public servant if they have been legally convicted of a criminal offense to an **unconditional prison sentence of at least 6 months**.

  For certain public sectors (such as the Ministry of the Interior, the judiciary, or the education system), additional requirements may be prescribed (e.g., Article 138 of the Law on Police). Candidates for judicial office applying in a public competition must submit a certificate confirming that no criminal proceedings are pending against them, as well as a certificate issued by the competent authority confirming that they have not been convicted of a criminal offence (Rulebook on the Procedure for the Selection of Judges and Court Presidents, „Official Gazette of the Republic of Serbia“, Nos. 34/2024 and 33/2026).

  3. Other Convictions

(h) The central criminal record check is a holistic disclosure document. It does not selectively filter out non-sexual offenses. Therefore, **any other unconditional criminal conviction** under the Serbian Criminal Code will be visible on the record until or unless it is legally expunged (*rehabilitacija*). (SC)

9. Does the screening of persons applying for roles or positions specified in questions 1 and 3 above extend beyond criminal convictions for sexual offences against children to:

   a. relevant administrative or disciplinary sanctions

   b. other information available to the authorities (e.g. judicial decisions in civil proceedings)?

   Please provide details.

   Yes. In foster care procedures, screening includes:
   - psychosocial assessment
   - professional evaluations
   - relevant administrative and social data

   This reflects a holistic child protection approach. (CFP)

Pursuant to Article 45 of the Law on Civil Servants, an adult citizen of the Republic of Serbia who possesses the prescribed educational qualifications and fulfils the other requirements laid down by law, other regulations and the Rulebook on the Internal Organisation and Job Classification of the state authority may be employed as a civil servant, provided that his or her employment with a state authority has not previously been terminated due to a serious breach of duties arising from employment and that he or she has not been sentenced to a term of imprisonment of at least six months.

In view of the above legal provisions, applicants for employment are required to submit a Certificate of No Criminal Convictions issued by the Ministry of the Interior, which constitutes an extract from the criminal records and contains information on final criminal convictions, where applicable. Accordingly, the same certificate is also required when engaging persons under other contractual arrangements (temporary and occasional service contracts and contracts for services). (HCR);

No, the official vetting and screening framework for these roles in Serbia does not automatically include or cross-reference administrative sanctions, disciplinary records, or civil court decisions.

The standard, mandatory screening system relies strictly on central criminal registries managed by the Ministry of the Interior (*MoI*) and the Ministry of Justice, capturing final criminal convictions and active criminal proceedings.

a. Relevant Administrative or Disciplinary Sanctions

There is no centralized national database for employment disciplinary sanctions or administrative misdemeanours (*prekršaji*) that an employer can query globally during a background check.

- Misdemeanour Records: Misdemeanour convictions (e.g., minor public order offenses) are tracked separately from criminal records and are generally not checked or permitted to be processed for employment under the Law on Personal Data Protection.

b. Other Information Available to the Authorities (e.g., Judicial decisions in civil cases)

Civil court rulings, family court decisions, and institutional welfare records are **strictly separated** from the criminal screening pipeline due to strict personal data protection laws.

- **Privacy Protections:** Under Serbia's Law on Personal Data Protection (LPDP) — which is harmonised with the EU's GDPR — public institutions are prohibited from indiscriminately checking an applicant's civil legal history. Judicial decisions in civil cases (such as divorce proceedings, child custody disputes, or civil lawsuits) are confidential and cannot be pulled into an employment background screening.

Summary of Screening Scope

Type of Record	Included in Mandatory Screening?	Legal Basis / Mechanism
Criminal Convictions (Sexual Offenses)	**Yes**	National Criminal Register & "Marija's Law" Special Registry.
Active Criminal Proceedings	**Yes**	Certificate from the competent court stating no investigation is pending.
Disciplinary Dismissals	**No**	Localized to past employer; exception applies to revoked professional licenses.

(SC)

YES, FOR ANY KIND OF CRIMINAL OFFENCES. (CZODO)

10. If restrictions on the exercise of the relevant activities apply as a result of a criminal conviction for sexual offences against children, in line with Article 27 paragraph 3.b:
    a. are they life-long?
    b. if they are not life-long, please specify the time-limits applicable
    c. are they applied only to activities in the public sector?

    Please provide details.

    In accordance with the Criminal Code and sectoral legislation:

    - individuals may be prohibited from performing activities involving contact with children
    - approval for foster care provision may be denied or withdrawn

      Restrictions may be:

    - permanent (for serious offences)
    - time-limited depending on legal provisions (CFP)

Yes, the restrictions are strictly life-long.

Under the specific Serbian framework of **"Marija's Law"** (*Law on Special Measures for the Prevention of Criminal Offenses against Sexual Freedoms against Minors*), individuals convicted of sexual offenses against minors are subjected to **permanent legal consequences**. The said Law stipulates a special, separate National Registry of Sex Offenders Against Sexual Freedom against Minors managed by the Ministry of Justice – Department for Execution of Criminal Sanctions. These restrictions remain life-long, and include:

- **Exclusion from Rehabilitation:** Under standard criminal law, certain convictions can be expunged (*rehabilitacija*) from a person's record after a set period of years, allowing them to legally be considered "unconvicted". However, "Marija's Law" explicitly bars individuals convicted of sexual offenses against children from receiving automatic or judicial rehabilitation regarding these data entries.
- **No Erasure of Data:** The personal data and criminal history of the perpetrator entered into this special database are explicitly **never erased**. The data is kept in the registry for life and is removed only upon the documented death of the convicted person.

"Marija's Law" does not differentiate between state-funded jobs and private employment. The statutory ban applies in general to any setting where the role requires regular or direct contact with children. (SC)

11. Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences against children for persons applying for roles or positions specified in questions 1 and 3?

    Please provide details.

    Only legally accessible data may be used in practice. Access to expunged convictions is regulated by the Criminal Code and relevant legislation on criminal records. Only legally accessible data may be used in practice. (CFP)

Article 102 of the Criminal Code stipulates that criminal records contain personal data relating to the commission of a criminal offender, the criminal offence for which a person has been convicted, information on the sentence imposed, suspended sentence, judicial admonition, exemption from punishment and remitted sentence, as well as information on the legal consequences of the conviction. Criminal records also contain any subsequent amendments to the data entered therein, information on the execution of the sentence, as well as information on the annulment of an erroneous conviction.

A Certificate from the Criminal Records is not limited to particular categories of criminal offences (such as offences against property, offences against life and limb, traffic offences, offences against sexual freedom, offences in office, etc.) but covers all final criminal convictions recorded in accordance with the law. (HCR);

Criminal convictions for sexual offenses against sexual freedoms against minors can never be expunged or spent under Serbian law.

Data regarding individuals convicted of child sexual abuse, exploitation, or pornography are fed directly into a permanent, lifelong database maintained by the Ministry of Justice. According to the strict terms of "Marija's Law", data recorded in this special register **cannot be deleted** (Article 14 of the said Law).

State authorities and other public bodies, as well as legal entities and entrepreneurs working with minors, shall request information as to whether a person who is to establish an employment relationship with them or perform tasks involving minors has been entered in the Special Register (Article 15 of the said Law). (SC)

Questions 8–11: Scope of the Criminal Record Check

Atina believes that criminal record checks should not be limited solely to final convictions for sexual offences against children.

In practice, significant risk indicators may also include:

- disciplinary proceedings resulting in dismissal or removal from a position;
- measures prohibiting an individual from working with children;
- final convictions for domestic violence and gender-based violence;
- relevant court decisions issued in proceedings for protection against violence.

Atina's experience shows that the sexual abuse of children is often part of a broader pattern of violence and abuse of power.

Atina supports the imposition of long-term restrictions, and in the most serious cases permanent prohibitions, on working with children for persons convicted of sexual offences against children. (NGO)

Screening procedure

12. How is the screening procedure set out in your legal framework (in a single piece of legislation, sector-specific legislation, or other)?

    Please provide details.

    Screening is regulated through a multi-layered legal framework, including:
    - Criminal Code
    - Law on Social Protection
    - Family Law
    - Labour Law
    - relevant by-laws (CFP)

Within the framework of the general law regulating the operation of the pre-university education system, the Law on the Fundamentals of the System of Education and Upbringing ("Official Gazette of the Republic of Serbia" 88/17, 27/18 (other law), 27/18 (other law), 10/19, 6/20, 129/21, 92/23, 19/25), in Article 139, prescribes in detail the conditions for employment, in accordance with the Labor Law of the Republic of Serbia.

For the field of university education, the conditions for employment are defined in Articles 64 and 72 of the Law on Higher Education ("Official Gazette of the Republic of Serbia" 88/17, 27/18 (other law), 73/18, 67/19, 6/20 (other law), 6/20-20 (other law), 11/21 (authentic interpretation), 67/21 (other law), 67/21, 76/23, 19/25. (MSE)

13. If screening is required, who is required to act?

    a. the employer, volunteer recruiter or child protection authority is expected to obtain the necessary information directly from the authorities

b. the candidate must provide proof of absence of convictions **Yes, the candidate must provide proof of absence of any convictions** (MSE)

c. another scenario. Please specify

Please provide details.

The standard procedure is:
- the candidate provides a certificate of no criminal convictions
- competent authorities may verify information when necessary (CFP)

The verification procedure during recruitment for permanent employment depends on the option selected by the candidates in the recruitment procedure. Candidates may choose either to consent to the competent authority obtaining ex officio the data contained in official records, in accordance with the General Administrative Procedure Act, or to submit the relevant official records themselves. For engagements under other contractual arrangements, the persons concerned, at the request of the human resources unit, submit the relevant official records themselves prior to their engagement. (HCR).

CURRENTLY, THE PERSON WHO IS CHOSEN TO BE EMPLOYED IS THE ONE WHO OBTAINES THE CERTIFICATE. A POTENTIALLY MORE EFFICIENT WAY IS STATED IN THE ANSWER TO QUESTION NO.1 (CZODO)

14. If screening is required, who bears the costs of screening procedures?

Please provide details.

Candidate. (MSE)

Pursuant to the Law on Republic Administrative Fees, no administrative fee is payable for documents and actions in proceedings concerning the establishment of an employment relationship and the exercise of rights arising therefrom. (HCR);

Costs are generally borne by the candidate or the competent institution depending on the procedure. (CFP)

The employer and the candidate. (MI)

15. How does your State monitor that employers, volunteer recruiters or child protection authorities comply with the relevant regulations on screening?

    Please provide details.

    Compliance is ensured through:
    - inspections in the social protection system
    - licensing and approval procedures
    - ongoing professional supervision of foster families. (CFP)

16. If screening is required, are there sanctions foreseen for failure to comply with it? If yes, what type of sanctions?

    Please provide details.

    Failure to comply may result in:
    - withdrawal of approval for foster care provision
    - prohibition of activity
    - withdrawal of foster care licence/approval. (CFP)

17. Is regular screening, beyond the initial recruitment process, required, for:

    a. professionals in contact with children

    b. volunteers in contact with children

    c. foster parents and legal guardians?

    If regular screening is required, please specify its frequency and provide other details.

    While systematic periodic criminal record checks are not uniformly regulated:
    - foster care includes continuous monitoring and reassessment
    - professionals maintain regular contact with supervising institutions (CFP)

Article 116(1) of the Law on Civil Servants provides that a civil servant against whom criminal proceedings have been instituted for a criminal offence committed at work or in connection with work, or disciplinary proceedings have been initiated for a serious breach of official duty, may be suspended from work until the conclusion of the criminal or disciplinary proceedings if his or her presence at work would be detrimental to the interests of the state authority or would interfere with the conduct of the disciplinary proceedings. (HCR);

Yes, for all. (MI)

18. Where a person working or volunteering in contact with children is under investigation for a sexual offence against a child, are law enforcement or other authorities allowed to inform the employer or volunteer organisation about the ongoing investigation? If yes, what is the consequence?

    Please provide details.

No. (MI)

Yes

Where criminal proceedings or investigations concerning sexual offences against children are initiated against a foster care provider, the competent social protection institutions are informed in accordance with applicable legal procedures and child protection obligations.

In practice, precautionary child protection measures are applied immediately. These may include:

- suspension of the foster care provider
- removal of children from the foster family
- termination of the foster care placement
- reassessment of the suitability of the foster family

Such measures are implemented with the primary aim of ensuring the safety and best interests of the child. (CFP)

Questions 12–18: Criminal Record Check Procedure

From Atina's perspective, a one-time criminal record check conducted at the time of recruitment is not sufficient.

Consideration should be given to introducing:

- periodic criminal record checks throughout the duration of employment;
- mandatory child safeguarding policies;
- procedures for reporting suspicions of abuse;
- regular training for employees and volunteers;
- supervision of individuals working with children.

In Atina's practice, all persons who come into contact with children and young people are familiarised with the principles of child safeguarding, standards of professional conduct, and mechanisms for reporting suspicions of violence or abuse.

It is particularly important to establish mechanisms enabling the competent authorities, subject to appropriate safeguards for the protection of individual rights, to notify employers and organisations where there are serious grounds to suspect that a person working with children poses a risk to a child's safety. (NGO)

Cross-border screening

19. If the candidate for roles or positions specified in questions 1 and 3 has previously resided or worked in different countries, is it required to verify the absence of criminal convictions for sexual offences against children in each of those countries in respect of:

    a. professionals

    b. volunteers

    c. persons wishing to become an adoptive parent, a foster parent or a child's legal guardian?

    Please provide details.

    Cross-border screening is not uniformly regulated across all sectors and largely depends on the availability of international cooperation mechanisms and documentation provided by the candidate.

    In foster care procedures, additional verification may be requested when foster care applicants have previously resided abroad. However, in practice, competent institutions in the Republic of Serbia often do not have direct or systematic access to information concerning potential criminal offences, including sexual offences against children, committed in other countries.

    As a result, obtaining reliable information regarding criminal history abroad may present a significant challenge in foster care assessment procedures. (CFP)

IT IS REQUIRED, BUT IT IS MISSING. (CZODO)

20. Is there a mechanism to:

    a. request data about a person's criminal convictions for sexual offences against children from the competent authority of another State outside the context of criminal proceedings[1] (please specify)

    b. provide data about a person's criminal convictions for sexual offences against children to the competent authority of another State outside the context of criminal proceedings (please specify)?

    Please provide details.

    Yes, there are mechanism to request data about person's criminal convictions for sexual offences against from the competent authority of another State.

    Mechanisms exist through:
    - international legal cooperation
    - police cooperation channels (CFP)

21. Is there an obligation to provide data about a person's criminal convictions for sexual offences against children at the request of the competent authority of another State outside the context of criminal proceedings?

[1] For purposes of recruitment, volunteering, adoption, foster care or guardianship.

Please provide details.

Yes. (MI)

Yes, subject to:
- international agreements
- national legal provisions (CFP)

- Questions 19–21: Cross-Border Criminal Record Checks

- In its work with children in migration and unaccompanied children, Atina encounters situations in which individuals who come into contact with children have previous work experience or residence in multiple countries.

- For this reason, we believe that it is essential to strengthen international cooperation and mechanisms for the exchange of information on convictions for sexual offences against children, while fully respecting personal data protection standards and human rights.

- The lack of effective cross-border criminal record checking mechanisms represents one of the greatest challenges in protecting children from sexual exploitation and abuse. (NGO)

<u>Additional details and reflections</u>

22. Please add any further details regarding the modalities of the screening procedures applicable in your State, if relevant.

Please provide details.

Within the Serbian system, foster care screening is embedded in a comprehensive and continuous assessment process, combining legal, social and professional criteria. (CFP)

Based on Atina's experience, criminal record checks are a necessary, but not sufficient, safeguarding measure.

The most effective child protection systems combine:

- screening of employees and volunteers;
- clear child safeguarding policies;
- continuous training;
- supervision;
- reporting mechanisms;
- the active participation of children in recognising risks and seeking help. (NGO)

23. What challenges related to the screening for criminal convictions for sexual offences against children of professionals, volunteers and persons wishing to become adoptive parents, foster parents or a child's legal guardian exist in your State in practice (e.g. administrative costs, delays, cross-border co-operation)?

Please provide details.

Key challenges include:
- administrative burden
- delays in obtaining criminal record certificates
- limited cross-border data exchange
- fragmented regulation across sectors. (CFP)

THE OBSTACLES ARE LISTED, IT WOULD BE MOST USEFUL TO ESTABLISH A DATABASE OF SEX OFFENDERS AGAINST CHILDREN THAT WOULD BE PUBLICLY AVAILABLE. (CZODO)

From Atina's perspective, the main challenges are:

- inconsistent application of procedures across different sectors;
- lack of regular re-screening;
- limited availability of data from abroad;
- administrative burdens and lengthy procedures;
- insufficient implementation of child safeguarding standards in all organisations working with children;
- relying solely on criminal record checks as a safeguarding measure.

A particular challenge is the fact that a significant number of cases of child sexual abuse are never reported or prosecuted, which means that the absence of a conviction does not necessarily mean the absence of risk.

From the perspective of the Atina organisation, the most significant practical challenges are:

- Inconsistent application of screening procedures across different sectors that come into contact with children. While checks are standardised in some systems, in other areas, particularly among certain service providers, civil society organisations, sports clubs, or informal activities, practice is not uniform.

- Checks are most often carried out only at the time of employment or engagement, while mechanisms for periodic or continuous checks have not been systemically established.

- Limited availability of information on persons who have lived or worked abroad. In cases where a person has lived or worked in another country, criminal record checks may be difficult due to different procedures, lack of direct access to data, or the lengthy nature of international cooperation.

- Administrative burdens and time delays in obtaining documentation may pose a challenge, particularly for organisations working on a project basis and engaging a larger number of associates and volunteers.

- Insufficient awareness among certain organisations and institutions of their obligations and the available mechanisms for conducting checks on individuals who come into contact with children.

- The absence of a uniform approach to volunteers and short-term collaborators, even though they may also have direct and regular contact with children.

- Based on Atina's experience in working with child victims of human trafficking, sexual exploitation, and unaccompanied children, a particular challenge lies in the fact that children's safety cannot be ensured solely through criminal record checks. The absence of a criminal conviction does not necessarily indicate the absence of risk, particularly given that a significant number of cases of child sexual abuse are never reported or prosecuted. Therefore, criminal record checks must form part of a broader child safeguarding system that includes child safeguarding policies, training, supervision, and clear mechanisms for reporting suspicions of abuse.

- Drawing on more than twenty years of direct work with child victims of human trafficking, sexual exploitation, forced marriage, and other forms of violence, Atina emphasises that the absence of a criminal conviction does not necessarily mean the absence of a risk to children. In a significant number of cases, child sexual abuse is never reported, investigated, or prosecuted, leaving perpetrators outside the criminal records system. For this reason, criminal record checks must be accompanied by other safeguarding measures, including child safeguarding policies, mandatory training, supervision, and clear mechanisms for reporting suspicions of abuse.

In Response to Question 24 – Good Practices

For many years, Atina has implemented internal child safeguarding procedures to protect children and young people using the organisation's services. All employees, associates, consultants, and volunteers who may come into contact with children are familiarised with the principles of child safeguarding, standards of professional conduct, confidentiality requirements, and procedures for responding to suspicions of violence or exploitation. The organisation applies a zero-tolerance policy towards all forms of violence, abuse, and exploitation of children.

Specific Considerations Regarding Children in Migration

Based on Atina's experience in working with refugee children, migrant children, and unaccompanied children, an additional challenge concerns the screening of individuals who have previously lived or worked in multiple countries. The lack of rapid and effective mechanisms for the cross-border exchange of criminal record information may pose a risk to children's safety, particularly in the context of reception centres, residential accommodation facilities, and support services intended for children on the move.

Atina recommends that the Republic of Serbia consider introducing mandatory child safeguarding standards and compulsory screening of individuals who come into contact with children, not only in the public sector, but also in all civil society organisations, sports clubs, religious organisations, and other providers of services intended for children. Criminal record checks at the time of recruitment should not be treated as a one-off measure, but rather as an integral part of a continuous child safeguarding system.

Over more than two decades of working with child victims of human trafficking and sexual exploitation, Atina has repeatedly observed that perpetrators are often persons of trust whom children and their surroundings perceived as safe — teachers, coaches, relatives, partners of family members, or other persons with access to children. For this reason, the protection system must not be based solely on criminal record checks, but on a comprehensive approach to risk management and child safeguarding.

Based on Atina's experience in cooperating with civil society organisations working with children and other vulnerable groups, it is evident that a significant number of organisations still do not have developed or formally adopted Child Safeguarding Policies. In practice, there is also often insufficient knowledge of procedures and mechanisms for reporting sexual harassment, abuse, and exploitation, both in relation to children and to adults who use services or participate in organisations' activities.

For this reason, Atina believes that particular attention should be paid to strengthening the capacities of civil society organisations through the development of child safeguarding policies, the establishment of safe and accessible reporting mechanisms, and continuous training for employees, associates, and volunteers. These measures constitute an important complement to formal criminal record checking procedures and contribute to creating a safer environment for all children.

It is particularly important that reporting mechanisms be accessible, understandable, and child-friendly, including for children on the move, unaccompanied children, children with developmental disabilities, and children from other groups facing an increased risk of sexual exploitation and abuse.

What promising practices, if any, would your State like to highlight in the screening of professionals, volunteers and other persons in contact with children?

Please provide details.

From the perspective of the Atina organisation, a positive practice in the Republic of Serbia is the existence of the Special Register of Persons Convicted of Criminal Offences against Sexual Freedom Committed against Minors, which serves as an important mechanism for screening individuals applying for positions involving contact with children.

We also consider it a positive practice that screening is conducted in the process of selecting and assessing foster carers and adoptive parents, as well as the fact that certain institutions and organisations working with children have developed internal child safeguarding procedures and procedures for assessing the suitability of staff and associates.

However, based on Atina's experience, good screening practices have not yet been developed consistently across all sectors that come into contact with children. Consequently, there remains considerable scope for further improvement and standardisation of screening procedures. (NGO)

24. What promising practices, if any, would your State like to highlight in the screening of professionals, volunteers and other persons in contact with children?

    Please provide details.

    - Comprehensive and multi-layered assessment of foster families.
    - Continuous supervision and support by specialised institutions.
    - Integration of legal screening and psychosocial evaluation. (CFP)