Independent States, institutionalized care is being reformed and children are being moved from large facilities to smaller group homes or family-based care. Serbia, for example, began wholesale reforms in 2001. Deinstitutionalization was given priority and fostering, which had an established history in the country, was given a boost. A new family law was adopted and a fund was established to help develop community-based social services. Progress ensued, but close examination revealed that children without disabilities had been released from institutions at a much faster rate than children with disabilities – about 70 per cent of whom had been committed to care directly from a maternity ward. This revelation served to demonstrate the importance of ensuring that reforms are designed and implemented so no children are excluded from progress, and it has since led to a renewed commitment to deinstitutionalization.109

**Inclusive justice**

A State’s responsibility to protect the rights of all children under its jurisdiction extends equally to children with disabilities who are in contact with the law – whether as victims, witnesses, suspects or convicts. Specific measures can help: Children with disabilities can be interviewed in appropriate languages, whether spoken or signed. Law enforcement officers, social workers, lawyers, judges and other relevant professionals can be trained to work with children who have disabilities. Systematic and continuous training of all professionals involved in the administration of justice for children is vital, as is the establishment of regulations and protocols that enhance equal treatment of children with disabilities.

It is also important to develop alternative solutions to formal judicial proceedings, taking into account the range of individual capacities of children who have disabilities. Formal legal procedures should only be used as a measure of last resort, where this is in the interest of public order, and care should be taken to explain the process and the child’s rights.

Children with disabilities should not be placed in regular juvenile detention facilities, neither when awaiting nor following a trial. Any decisions resulting in deprivation of liberty should be aimed at appropriate treatment to address the issues that led the child to commit a crime. Such treatment should be carried out in the context of appropriate facilities with adequately trained staff, with human rights and legal safeguards fully respected.110

**Last to benefit**

Under Serbia’s welfare reforms, children with disabilities were released from institutions at a slower rate than children without disabilities.

![Graph showing decrease in percentage of children in institutions from 2000 to 2011](source: Republic Institute for Social Protection, Serbia. Sample sizes: Children and youth (0–26 years old) with disabilities: 2,020 in 2000, 1,280 in 2011. Children and youth (0–26 years old) without disabilities: 1,534 in 2000, 574 in 2011.)

A child learns the Dutch alphabet at a school for children with learning disabilities in Curaçao, Netherlands. © UNICEF/HQ2011-1955/LeMoyne