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# The Protocol on Protection of Children from Parental Abuse and Neglect and Consequences for Children's Integrity and Personality Development

Jelena Marinković

University Business Academy, Novi Sad, Serbia  
Faculty of Law for Commerce and Judiciary in Novi Sad

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## Author Note

Jelena Marinković  <https://orcid.org/0009-0005-6677-7423>

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Corresponding author: Jelena Marinković

E-mail: [jelena.maarinkovic@gmail.com](mailto:jelena.maarinkovic@gmail.com)

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# The Protocol on Protection of Children from Parental Abuse and Neglect and Consequences for Children's Integrity and Personality Development

## Abstract

The paper summarizes the legal regulations regarding child protection in case of parental abuse and neglect. The current protection system was analyzed, and gained insight are presented alongside explaining all steps for ensuring the well-being of the child. An attempt was made to point out the importance of the current protection system implemented by the guardianship authority and other amenable authorities, but also to examine the issue critically by presenting a case from practice that illustrates opportunities for continuous improvement. The methods used in writing this paper are: theoretical analysis of available content from legal acts and relevant scientific papers, normative method, synthesis of relevant information within various fields, such as law and psychology, and concretization based on the presented case from practice. The aim of this paper is to introduce the protection measures, the basic rights of the child and the principle of its best interest in all procedures, as well as to point out the work methods of Center for Social Work. Despite the lack of adequate data on the extent of these actions against children, the paper emphasizes the need for establishing a more efficient reporting system and changing people's awareness regarding the correctness of such behavior. Due to aforementioned difficulties in obtaining sufficient and relevant data on the topic, there is a lack of statistics that would expedite the development of prevention measures and the system improvements.

**Keywords:** child abuse, child neglect, parents, consequences

## Introduction

Child abuse and neglect represent a major problem on a global level, even though every country is striving to find an adequate solution to protect child rights and integrity. Numerous legal acts have been adopted on the international, as well as on the regional and state level, in order to prevent the violation of children's rights. Several questions therefore arise—firstly, what would be an adequate solution to this global problem that manifests itself in different forms. Secondly, whether it is possible to regulate every specific situation in which the child's rights are violated or has a negative impact on its well-being. Abuse and neglect, as the two primary forms that will be discussed further in the paper, inevitably contribute to the disruption of the human being's emotional components and create long-term consequences for the later development of a person.

Children represent the basis of every society and it is necessary to provide them with an opportunity to grow up without being faced with life struggles inappropriate for their age. However, in the case of imposing a negative impact on childhood, adequate measures must be taken to ensure the greatest possible welfare of the child. In these cases, various organizations are available to step in and protect it in the best possible way. In this paper, an overview of the Center for Social Work and the currently valid regulations will be presented.

Children represent the most vulnerable part of the society and recognizing their pain in case of physical or emotional violence and neglect is crucial for their protection. Any form of aggression perpetrated against a child or denial of its basic rights greatly affects the future behavior of the individual and its emotional, mental, and social intelligence, and thus affect the entire society altogether. As Nelson Mandela said: "Safety and security don't just happen, they are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear" (Sinnshaw, 2014, p. 1). No form of violence against a child, nor against an adult human being, can be considered justified in any case. It should be demanded from every community at the global level to regulate this issue as the highest priority, because our future depends on children and we owe them an untroubled life and childhood.

### **The Implementation of the General Protocol for the Protection of Children from Abuse and Neglect**

Despite the efforts made by the international and regional organizations with the intention to standardize the regulation of the issue of child abuse and neglect, as well as the numerous acts that were implemented to regulate this issue, it is considered that this issue is not properly acknowledged in many cultures and that many communities do not agree on the concept of abuse (Pejović-Milovančević, Išpanović-Radojković, Vidojević, Minčić & Radosavljev, 2001). The difference in cultures slows down the unification of the rules for behaving when providing child protection. Therefore, in some countries there is a higher level of protection, whereas there is a lower level of protection in other. Nevertheless, great strides are certainly made and the importance of this issue is constantly emphasized. The issue of neglect and abuse of children in our country is primarily regulated by the Constitution of the Republic of Serbia from 2006 on a framework level, while the specification of this issue is handled by subordinate legislation such as the Family Law and the Criminal Code from 2005, as well as other regulations. Children are entitled to human rights appropriate to their age and mental maturity and should be protected from any psychological, physical, economic or other exploitation or abuse (Constitution, 2006).

The National Action Plan for Children, adopted by the Government of the Republic of Serbia in 2004, foresees the goal of establishing a mechanism for the protection of children from abuse, neglect, exploitation and violence. In order to achieve this goal, several protocols were established: the General Protocol for the Protection of Children from Abuse and Neglect and several special protocols, such as the protocols for the protection of children in homes for children without parental care, for children with developmental disabilities, and for children with behavioral disorders.

Definitions of child abuse and neglect are given in the General Protocol. According to the above-mentioned, child abuse is generally defined as any form of physical and/or emotional abuse, sexual abuse, neglect or careless treatment, commercial or other exploitation, which leads to the child's health, survival, development or dignity impairment within a relationship that includes responsibility, trust and power (General Protocol for the Protection of Children from Abuse and Neglect, 2005).

The goal of the General Protocol from 2005 is to contribute to the improvement of reporting and registering all cases of child abuse and neglect, to influence the establishment of enhanced protection of children, to ensure uniform application of the rules and to serve informing the public about whom citizens should contact when they are concerned about the welfare of a child. The following are the basic principles

of the General Protocol: the child's right to life, existence and development, non-discrimination, the child's best interest and child participation.

According to the provisions of this document, all principles integrated in the United Nations Convention on the Rights of the Child from 1989, which our country ratified by law in 1990 (Law on the Ratification of the United Nations Convention on the Rights of the Child, 1990), are respected. The General Protocol applies to all children, inside and outside of the family, if there is a situation in which their well-being is threatened, if they are in imminent life danger, if they are victims of abuse and neglect or when there is a risk of this. The best interest as a basic principle implies that in any case the interest of the child takes precedence over the interest of the parents, guardians, institution or community, while the child participation refers to providing the opportunity for the child to be asked, to receive adequate information and the opportunity to express its views in a way that corresponds to its age and understanding of the situation.

The child's best interest as a principle is provided by legal provisions, and includes the duty of every person to be guided by the best interests of the child in all activities that concern it, as well as the state's obligation to take all necessary measures if there is neglect of the child or a certain type of abuse, whereby physical, sexual and emotional abuse and any form of exploitation are specifically mentioned (Family Law, 2005). Furthermore, this principle is confirmed by numerous decisions of the courts, as illustrated in the following citation part of the explanation provided in the ruling judgment of the Supreme Court of Cassation in a dispute over exercising or deprivation of parental rights: "The best interests of the child is a legal standard that is assessed according to the circumstances of each specific case. The elements of assessing the best interests of the child are the age and sex of the child, its wishes and feelings, considering age and maturity, need for upbringing, regarding the inhabitancy, nutrition, clothing, health care and other, and the parent's ability to meet the identified needs of the child" (Judgment VKS, Rev. 713/16).

Parental right represents the absolute and personal right of the parent towards the child and represents a set of rights and duties entrusted to parents by the norms of objective law in order to protect the interests of the child and take care of its personality. Acting in the best interest of the child is intended for parents, but also for all other people, institutions and courts (Stojanović & Delić, 2015). In order to establish an adequate child protection mechanism, it is necessary that different institutions participate in the process and that there is good cooperation and clearly defined roles among them. The process is divided by the General Protocol into four elements: the first step is the recognition of cases of abuse and/or neglect; the second, reporting suspected child abuse or child neglect to the competent authority; the third includes an assessment of the risk, conditions and needs of the child and family; and the last includes the planning and provisioning of child protection services and measures.

Recognizing child abuse and neglect begins with the detection phase of this action, which is the most sensitive part of the protection process. Detection is done by recognizing the signs of injury on the child or its behavior, or the behavior of family members that may indicate that the abuse or neglect happened, or it can be the case when the child or another person who has knowledge or suspicion that the child has been abused confides to another trusted person. The trusted person then passes the information to the authorized Center for Social Work or the police and Public Prosecutor's Office. The General Protocol then recommends consultations within the service itself at the Center for Social Work or

with other services, such as educational and health institutions, which are assumed to have knowledge about the child and family, in order to gather enough information and correctly assess the risk of abuse or neglect, in order to decide on the next step which will be taken to protect the child. All information about the child's condition and the circumstances of the act of abuse or neglect should be documented in order to serve as evidence in further child protection proceedings.

Reporting suspicion of child abuse and neglect is an obligation of all children's, health, educational, social protection, and judicial institutions, as well as other state bodies, associations and citizens. Suspicion can be reported to the Center for Social Work or the Public Prosecutor's Office, in writing or verbally, including phone calls, but the report should contain all information about the child and the family that is known at that time. In cases when the life or health of a child is endangered by actions or omissions, and when there are elements of a criminal offense, anyone who has knowledge of this is obliged to file a report with the Public Prosecutor's Office or the internal affairs authority. Stating the evidences, such as items upon which a criminal offense was committed, or items that were used to commit a criminal offense and similar evidence, are important for further proceedings and the person submitting the report should provide them if possible.

The next step in the child protection process is the review of the complaint and assessment of the risk, conditions and the needs of the child and family, which implies the initial assesment that is carried out by the Center for Social Work. Consideration of the complaint is also called a triage assessment and represents the obligation of the Center for Social Work employee whom received it to check whether the case was previously recorded in the database and to make an official note. Based on the available data from the complaint and potential data from the database, a decision is made regarding the suspicion of abuse or neglect and whether urgent protection of the child is required.

After the triage assessment, the initial assessment phase begins, which should be conducted by an expert worker of the Center for Social Work, who is responsible for conducting the assessment, with the help of a professional team. As part of this action, it is necessary to observe and talk with the child, family members and other people who know the situation of the child and family well, and then it is necessary to collect and analyze relevant data from experts of other services with which the child and family were in contact, such as health institutions, educational institutions, and similar. The next step is to assess the injuries caused to the child or assess the risk to which the child was exposed and afterwards, the measures and services that can be adequately applied in the specific situation are identified. The person leading the assessment, together with the expert team, can reach one of three possible conclusions after the initial assessment: there is a need to protect the child from abuse; there is no need for protection, but other types of support and assistance are needed for the child and the family; there is no need for child protection or other services. When the assessment is carried out, the person who filed the complaint is provided with feedback and notified about the taken measures and the made decisions in the specific case within ten days from the date of report submission, except in the case of an anonymous report. Respect for privacy and confidentiality of data must be maintained in every situation.

The last important step in the entire process of protecting a child from abuse or neglect according to the General Protocol is planning and securing services and measures for the protection of the child. In cases when there is a well-founded suspicion that a child is at risk, the person leading the assessment schedules a consultation between the Center for Social Work, internal affairs authorities and other relevant

services, during which a decision will be made regarding the protection measures that should be taken, and an agreement should be reached regarding a joint strategy for assessment and investigation as well as synchronization of the services' work.

According to Art. 31 of the Rulebook on Organization, Norms and Standards of Work of the Center for Social Work (2008), the case manager represents the expert in charge of a specific case. He/she evaluates and coordinates the case through the process of assessing the needs of the specific user, takes measures and coordinates the taking of measures to protect and support the user, using the potential of the Center and other services and resources in the local community. On the other hand, the General Protocol also specifies the duty of the manager to convene, schedule and coordinate a meeting in specific cases (I) when the cooperation of community services is necessary to ensure the child's safety, (II) when it is necessary to perform a complex or specialized assessment (e.g., psychiatric examination), (III) when it is necessary to secure and collect evidence for the court procedure, along with a necessary protection of the child from additional traumas that may occur due to inadequate or multiple repetition of examinations. The purpose of the meeting is to design a plan for child's protection, to determine who bears which role in the protection process, to appoint responsible experts who will implement and coordinate the plan, to identify further needs for assessment and to determine the deadline for holding a review meeting, as well as to plan backup protection measures in case it is impossible to implement the original ones.

The fifth chapter of the General Protocol is dedicated to urgent interventions if it is necessary to undertake them when the child's life and health are in immediate danger or when there is a reason to believe that this may happen, in order to ensure the child's safety. The institution or the service that first comes into contact with the child should notify the Center for Social Work in whose territory the child resides as soon as they learn that immediate intervention is necessary. In case the child's place of residence is not known or if the child is in immediate danger and it is necessary to react immediately, the information must be submitted to the nearest Center for Social Work. The Center for Social Work holds the right to appoint a temporary guardian for the child immediately, and no later than twenty-four hours after the need to separate the child from the family has become known, if the circumstances of the case dictate that the parents' right to keep, raise and educate the child should be immediately suspended, until a court decision, according to the provisions of the second part of the fifth chapter of the General Protocol.

The General Protocol also regulates the issue of monitoring and evaluating the child and family and closing the case. The deadlines for the re-evaluation are determined in cooperation with all relevant services, and decisions are made at joint meetings, in order to adequately come to the correct solution in the best interest of the child. A case evaluation is conducted three to six months after the assessment is completed, but it is possible to conduct it earlier if the circumstances dictate it. The evaluation and re-examination should be carried out in cooperation with the child and allow it to express its opinion, and also with the parents, guardian or other significant family members. Communication with the child should be in accordance with its age and maturity (Išpanović-Radojković et al., 2011). If, after the assessment, it is established that the parents have ensured a safe life for the child focused on child's development and well-being, the Center for Social Work can make a decision to close the case and return the child to the family.

## **The system of child protection in practice and the question of (in)adequate treatment by guardianship authority**

Making a decision on the complete or partial deprivation and restoration of parental rights is within the jurisdiction of the court, and according to the Family Law, parents are deprived of one, more or all rights and duties, except for the duty to support the child, if the parent negligently exercises rights or duties from the content of parental rights. Along with this decision, the court is given the opportunity to determine one or more measures to protect the child from domestic violence, if the child has suffered it. Civil proceedings in this case are characterized by urgency, and in the case of disputes for the protection of children's rights, the court is not bound by the claim, despite the fact that this is the rule for civil proceedings, but can make a decision outside the limits of the claim.

The possibility of making mistakes when determining whether a child is being abused or neglected in any way creates additional consequences and negatively affects the child's development and represents a great danger to its personality. Given that the borderline cases often occur, either due to a lack of objective facts or due to a specific subjective component, an inadequate solution could permanently endanger the child. Separating a child from its parents in the absence of abuse or neglect is a decision made on the basis of wrong information, which inevitably affects the well-being of the child. The inability to achieve security in the nuclear family and distancing the child from it leaves a certain psychological mark, in a similar way that abuse or neglect does. On the other hand, great consequences arise when there is no reaction from people or competent authorities, if actions are indeed carried out against a child. Since it presents a sensitive topic, one case will be attached further in the paper which attracted a lot of public attention and called in question the correctness of the actions of the Center for Social Work.

According to the publicly shared information, it is a case of child neglect carried out by a mother against her sons aged three, six and nine. In November 2023, there was a fire in the apartment of their residence, which the residents of the building reported to the police after seeing the unsafe living conditions of the children and the parents. It was established that there was no one in the apartment at the time of the fire, and that the fire was caused by the burner on the stove, which the mother's father accidentally left behind. It is considered that the fire was of a small scale and that its spread was prevented in time (Judgment VS, NPŽ-181/23). However, based on the police and the public prosecutor's office report, and after the officers of the Center for Social Work went to the field at the request of the police to verify the condition of the aforementioned housing, the Center for Social Work takes over the case and undertakes all necessary measures to protect children from abuse and neglect as its legal obligation, in accordance with the Family Law, the Convention on the Protection of Children's Rights, concerning the General Protocol for the Protection of Children from Abuse and Neglect and the Rulebook on the Organization, Norms and Standards of the Center for Social Work.

According to the statements of the director of the Center for Social Work in his addressing the public, it is considered that there was negligence done by the children's mother in providing adequate living conditions within the reasonably available means. Failures in children's health are stated, such as hygiene neglect, failure to vaccinate children, but also leaving children unattended, failure to take the child to preschool, failure to provide adequate nutrition, living in unhygienic conditions, which impairs the child's development and health, and the danger of continuation is emphasized. Given that it is a matter of gross

neglect of parental duty based on the assessed living conditions, the guardianship authority undertakes measures of urgent temporary guardianship protection of the children and urgent provision of housing by separating them from the family and placing them in the safe house at the Center for Social Work.

In addition to neglecting the children and failing to provide adequate living conditions, there was a suspicion that violence had been committed against the children, and the parent was ordered to prohibit contacting the victim for forty-eight hours by order of the criminal police department at the police department of the Ministry of Internal Affairs in Novi Sad. The Basic Court in Novi Sad issues decision no. NP-1415/2023 which defined the extension of the measure for the next thirty days according to the proposal of the Basic Public Prosecutor's Office no. NPT-2190/23. Based on the submitted appeal, the High Court in Novi Sad overturns the decision of the Basic Court and rejects the proposal of the Basic Public Prosecutor's Office to extend the emergency measure on banning communication and approaching the victims by decision no. NPŽ-181/23. In the explanation, the High Court states that the appeal was founded after considering the disputed decision of the Basic Court and the case file of this case, and that the mother did not contribute to the immediate danger of violence by her actions nor did she apply violence to her children, which was the basis for the determination of an emergency measure (Judgment VS, NPŽ-181/23).

The explanation of court decision also mentions the report of the Center for Social Work, which provided insight into the life circumstances of the mother and children. According to the decision of the High Court: "...it is concluded that she lives in complex social and economic circumstances, because she is unemployed, forced to change her place of residence together with her children, very often also forced to do so by collecting things that other citizens have discarded, alongside the observation that in that apartment there is not a single chair that could be used for sitting or a table at which can be eaten, that there is accumulated garbage, that the children are hygienically neglected" (Judgment VS, NPŽ-181/23). With this explanation and pointing out that the conversation was not conducted between the Center for Social Work and the mother, nor the children, as well as that there is no record of the mother's previous violent behavior towards the children, it is emphasized that there is no reliable evidence of the act of violence and that it is all about acts of neglect and abandonment. After the emergency measure of banning communication and establishing contact with children is abolished, the procedure continues within the framework of social protection in order to assess the adequacy of the performance of parental duties, and the mother is provided with the conditions for establishing contact with the children.

The mentioned case caused a great reaction from Serbian citizens which constituted of holding peaceful but also violent protests in front of the Center for Social Work in Novi Sad. Part of the citizens believed that the Center for Social Work did not act lawfully, in accordance with legal regulations, and that the children were improperly separated from their family. However, the Center for Social Work continues to act according to the provisions of the Family Law and introduces corrective supervision over parenting. The Center for Social Work has the possibility of preventive and corrective supervision, which represents a kind of a social control. Corrective supervision is important for the issue of child abuse and neglect, and it is determined in cases where it is necessary to correct the parents in how they exercise their parental rights. On such occasion, the guardianship authority makes decisions by which: it warns parents about deficiencies in the exercise of parental rights, refers parents to a family counseling center or an institution specialized in mediation in family relations, or requires parents to submit an account of the management

of the child's property. The first two decisions are of consultative nature, while the third refers to property relations (Kovaček-Stanić, 2007).

It is stated in publicly available sources that the mother refused to sign the documents for the above-mentioned supervision and that she failed to provide the necessary conditions for the children's return to the family environment. Soon after the situation changed and an acceptable arrangement for the housing of the children was made. The Center for Social Work makes a decision then to return the children to the nuclear family after establishing cooperation with their mother, with supervision for the next three months. With that action, the court proceedings for the deprivation of parental rights over the children are suspended.

Numerous speculations arose in connection with this case and the intensity of spreading correct and incorrect information did not subside during the entire procedure. The question arises whether the set of incorrect information and doubts about the work of the Center for Social Work occurred because of the great media attention at the national level, or whether there was a wrong assessment of the guardianship authority in this case. Considering the limited availability of information, the conclusion will be drawn only on the basis of the enclosed living conditions in the High Court decision, according to which inadequate living conditions are stated, both for adults and especially for children.

On the other hand, the inadequacy of the actions of state authorities and the Center for Social Work can be seen more clearly through another case, namely the case of *Milovanović v. Serbia*. In 2019, the European Court of Human Rights issued a verdict resolving the case that began in 2002. After the divorce, the applicant's ex-husband conducts an abduction of children under the threat of violence and systematically works to prevent contact between the mother and the children. The defendant's neighbor filed a complaint about child abuse in 2005, but the police department refused to investigate the circumstances stating that there were formal deficiencies in the complaint. The procedure continues and a year later, the judicial body issues a verdict that entrusts the care of the children to the mother and prohibits contact with the father for three months in order to enable the restoration of the emotional relationship with the mother. However, the verdict remains unexecuted due to the defendant's refusal to comply with the court's decision and hand over the children to the applicant. The following year, considering the elements of child abuse and abduction, the Center for Social Work initiates procedure against the father demanding that his parental rights be revoked, in which the applicant joins as an intervener. Despite the decision of the competent court to deprive the father of parental rights, the set of circumstances led to the subsequent annulment of that decision and the withdrawal of the request of the Center for Social Work. The court and the Center for Social Work see basis for this action in the explanation that the defendant was the only guardian with whom the children were used to living, regardless of the mentioned violence, abuse and kidnapping. The inconsistent behavior of state authorities and the Center for Social Work in this case is clearly demonstrated through subsequent decisions. In 2010, the Basic Court in Belgrade issued a verdict awarding the father the exercise of parental rights, but the Court of Appeal in Belgrade revoked the verdict and sent it back to the first instance court for re-decision, after which the procedure was suspended because the mentioned father did not appear at the scheduled hearing. In the meantime, the applicant submits a constitutional appeal to the Constitutional Court requesting the execution of the judgment on guardianship and a temporary measure on the exercise of parental rights, at the same time complaining about the length of the criminal proceedings in connection with the abduction of children, whereby the Constitutional Court only determines the violation of the right to a trial within a reasonable time regarding to the

duration of the enforcement proceedings in connection with the final judgment on the exercise of parental rights. The European Court, on the other hand, determines numerous omissions of the defendant state - Serbia: (1) inadequate and ineffective efforts in undertaking coercive measures and implementing the pronounced measures; (2) violation of the applicant's right to respect for family life (*Milovanović v. Serbia*, 2019). In this case, we observe the inadequate action of state authorities and the defendant's ability to use the judicial system and delays to his advantage, which leads to a change in the factual situation in the specific situation, without adequate protection of the applicant and the best interest of the child as the main principle that should be respected.

According to the Constitutional provisions in Art. 23 and 24, human life and human dignity are inviolable. Therefore, it is necessary to enable every human being to live with dignity, protection and in appropriate conditions, and any discussion in the opposite direction is impermissible, especially when it comes to children. Children have the right to feel safe, the right to health, to a peaceful childhood and to conditions that will encourage their development. Everything that affects these basic components of a life should be promptly taken into the hands of the amenable authorities, as it was done in the first mentioned case, while in the second case we can notice inadequacy, untimeliness and inconsistency of actions. Certainly, the separation of children from their family remains a difficult moment in their lives, and it will take patience to overcome the consequences on a psychological level.

### **Emotional and psychological consequences of child neglect and abuse**

Regulating the issue of child abuse and neglect in an adequate manner and acting in accordance with prescribed procedures is of great importance for the best interest of the child, which is a priority in all procedures. A developing child still does not possess a fully formed personality and perceives any form of abuse or neglect as trauma meaning that certain consequences on its psycho-physical condition inevitably remain. Given that this is a category of people who cannot defend themselves and stand up for a better life, and often do not perceive the danger of the situation through the prism of reality, the help of the system and the community is necessary to overcome the consequences that occur. As Račić (2021) points out: "A child—an innocent, unprotected and dependent being, is not a thing or a toy, which only satisfies the parent's need for reproduction on paper, but a child seeks and expects love, care, and attention like any human being, because a child is made of emotions and feelings, much more sincerely than adults, it also requires renunciation, making promises, giving rewards, as well as fulfilling those promises and rewards, providing love and care and attention" (p. 279).

Psychologically speaking, the consequences of abuse depend on its intensity and severity, and it is possible to classify them into early and late consequences. In addition to the mentioned factor that affects the child the most, increasing or reducing the effect of abuse or neglect also depends on the support of the other parent who does not abuse the child, the child's ability to understand the situation and other factors that would affect the correct insight of the situation and response. Early consequences are defined as consequences that occur in the period of childhood and early youth, while the child's personality has not been formed yet. These include consequences such as death, permanent physical handicap or psycho-somatic disorder, emotional disturbances, altered self-perception, cognitive impairment and social functioning disorders (Pejović-Milovančević et al., 2001). Abuse and neglect affects generating the feelings of fear, anxiety, depression, aggressiveness, anger and similar negative emotions and often

makes a person unable to fight against these emotions independently and to form a correct judgment. It is believed that in the early period of life, due to abuse and neglect, negative consequences develop primarily on neurological, intellectual, social and emotional development, success in school, social relationships, behavior, and on life expectations as well (Mošković, 2015). In the early stage of childhood, the child perceives such behavior towards itself as normal, despite the fact that it causes negative feelings, and it needs help in redefining its thinking and perception of life.

Late consequences, on the other hand, represent consequences that occur in adulthood and include depression, borderline personality organization, as well as transgenerational transmission of behavior (Pejović-Milovančević et al., 2001). Borderline personality disorder is reflected in the difficulty of regulating emotions, impulsivity, self-harm or suicidal thoughts, inability to control anger or aggression towards others or towards oneself, incorrectly developed social intelligence characterized by unstable functioning of a person in interpersonal relationships, and leads to a feeling of emptiness. All these types of emotions often lead to the use of alcohol and psychoactive substances, which represents a certain escape from reality and prevent a person from adequately facing problems and solving them.

Transgenerational transmission of behavior patterns means that the children learn according to the model presented to them, and often they retain certain ways of behavior, attitudes, values and beliefs in adulthood and transfer them to their own new family. Abuse and neglect that the child experiences, he or she consciously or unconsciously applies later, either in the function of the person who abuses or neglects, or again in the function of the victim. This type of influence on the child's personality defines the position of the person in the family and reflects on the child's perception of the role of the mother or father, and is guided accordingly when forming a new family. Any other behavior would seem wrong, given that the child did not have a proper role model to learn from and form its own beliefs.

For the child's development and its personality, the most influential factor is the feeling of security in the community where it grows up. This implies the child's awareness that it is loved and accepted by its parents above all. Given that the child goes through the stages of identification and generalization during childhood and builds its own personality, learning by modeling is one of the basic aspects of a child's behavior. Generalization implies the adoption of general conclusions about correct behavior in the community based on individual experiences in the family and the relationship of parents to the child, which are later transferred to other environments (Počuča & Matijašević, 2023). The potential consequence of any type of violence is the victim's incorrect reaction in specific situation, and therefore often also denial that the violence was suffered in general together with seeking out justifications for the behavior of the abuser. A part of the victims give themselves up to the violence in the hope that the situation will change if the abuser notices that the victim does not object (Krstinić, Počuča & Sančanin, 2023). All of the above represents certain defense mechanisms and a wrongly formed portrayal of reality, and inevitably does not contribute to improving the victim's life. Every act that does not resolve the mentioned situation leads the victim further into the vicious circle.

In addition to dividing consequences of abuse and neglect into early and late consequences, they can also be divided into immediate and long-term consequences. The criterion for the latter division is whether they appear immediately after the previous abuse or neglect, or whether they appear in a long-term form during the later years of the child's life. The immediate consequences primarily lead to the defense mechanism of denial and suppression of the traumatic event from memory. It is believed that in

this case children feel guilty and withdraw from the environment. In addition, emotions such as anger, occasional aggression, habit disorders and other developmental disorders are expected. Long-term consequences also include depression, alcohol or drug abuse, self-harm, suicidal behavior, inability to control, just like in the previous division, but it is believed that abuse and neglect also lead to panic disorder, eating disorders, reduced self-esteem, and difficulty establishing intimacy with other people (Mošković, 2015). It should be noted that despite these divisions that can be made, it is commonly widespread that consequences of different kinds are intertwined, often occurring together. Isolated cases without a single consequence or with only one consequence rarely occur. Each type of violence is characterized by power and control that is established over the victim and leads to injury and endangerment of the domain of safety and trust (Krstinić & Vasiljković, 2019).

## Conclusions

Based on the analysis of the current regulations and the review of cases of abuse and neglect of children by parents in both the legal and psychological spheres, it can be concluded that this topic is of high importance, and that there is a necessity to continuous work on improving the system related to this topic. A precise way of determining the actions of competent bodies inevitably shows the need for proper functioning. Every mistake creates even greater consequences and indirectly affects the entire system, so it is necessary to avoid them and follow the legal and bylaw regulations.

Children represent a sensitive category of people who need help and support at all times. If safety is not achieved on the premises of one's own home, there is a necessity for the guardianship authorities and the authorities of the Ministry of Internal Affairs to react in a timely manner. Any delay or neglect of the problem will affect the development of the child or lead to even more fatal consequences. For the successful functioning of a society, it is necessary for individuals to feel protected and not to repeat learned negative patterns. Therefore, any impact on the child that would protect it and affect its functional growth in the community is of great importance for the entire collective.

The principle of the best interest of the child, which pervades every part of the protection process, also implies the limitation of information provided to the public. Given that this applies to a minor, it is necessary to protect its integrity and personality. However, in the event when there is an error in the work of the guardianship authority, the lack of information that is available can negatively affect the outcome and the child can suffer significant consequences. As stated in the attached case started in November 2023, a complete lack of understanding of the situation led people to organize protests. The reaction is considered correct if it is a case with the incorrect implementation of legal provisions, but in this case, a lot of inaccurate data was spread in the community. Certainly, the best interest of the child still remains constituted in keeping certain information as a secret, while the obligation of the guardianship authority still is constituted in devoting themselves to every case to the best of their ability and in a careful manner.

Improving the awareness about child abuse in any form should be continuously done in the entire population, both on the national level, here in Serbia and at the global level. It is a problem that transcends all borders and cannot be uniformly influenced. The views about abuse, but also views about reporting child abuse to the competent authorities, differ within each community. Given that this is an act that is not reported often, the current statistics on the number of children who experience this kind of treatment on an annual basis do not provide the most accurate insight, and therefore their importance in this paper is

not emphasized. In subsequent amendments to the law and other acts, attention should be focused on finding the right protection mechanism for those who report child abuse and on improving the entire protocol for reporting and managing cases. Also, it is of great importance to familiarize children with the types of abuse and neglect and provide them with the security to turn to a close person for protection. Making efforts to protect and promote the welfare of children affects our immediate future and is not an issue that can wait. Our life today depends, as it always will depend, on children of tomorrow.

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## **Protokol zaštite dece od zlostavljanja i zanemarivanja od strane roditelja i posledice koje izaziva na integritet i razvoj ličnosti deteta**

Jelena Marinković

Univerzitet Privredna akademija

Pravni fakultet za privredu i pravosuđe, Novi Sad, Srbija

### **Sažetak**

Rad predstavlja sažetak regulacije pravnih propisa o zaštiti dece u slučaju zlostavljanja i zanemarivanja od strane roditelja. Predstavljen je analiziran uvid u trenutni sistem i pojašnjeni su svi predviđeni koraci radi osiguranja dobrobiti deteta. Izveden je pokušaj da se ukaže na značaj trenutnog sistema zaštite koji sprovode organ starateljstva i drugi nadležni organi, ali i da se pitanje osmotri sa kritičke strane predstavljanjem slučaja iz prakse radi kontinuiranog poboljšanja. Metodi koji su korišćeni u pisanju ovog rada su: teorijska analiza dostupnog sadržaja iz pravnih akata i relevantnih naučnih radova, normativni metod, sinteza relevantnih informacija u okviru različitih oblasti, kao što su pravo i psihologija, i konkretizacija na osnovu predstavljenog slučaja iz prakse. Cilj rada je da se upozna za merama zaštite, osnovnim pravima deteta i principom njegovog najboljeg interesa u svim postupcima, kao i da ukaže na metode rada Centra za socijalni rad. Uprkos nepostojanju adekvatnih podataka o obimu vršenja ovih radnji nad decom, kritički se ističe potreba uspostavljanja efikasnijeg sistema prijavljivanja i menjanja svesti ljudi o ispravnosti takvog postupanja. Trenutne statistike, usled nemogućnosti prikupljanja potpunih podataka, u velikoj meri usporavaju razvijanje mera prevencije i poboljšanje sistema.

**Ključne reči:** zlostavljanje deteta, zanemarivanje deteta, roditelji, posledice