



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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**Written replies by the Government of Serbia to the list of issues (CRC/C/OPSC/SRB/Q/1) related to the consideration of the initial report of Serbia submitted under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SRB/1)\***

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RESPONSES

TO THE QUESTIONS RELATING TO

THE INITIAL REPORT ON THE APPLICATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD RELATING TO THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

**1. Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPSC/SRB/Q/1).**

1. The Criminal Code of the Republic of Serbia<sup>1</sup> includes criminalizations relating to the sale of children and use of children in prostitution and pornography, which provides a solid basis for a more effective protection of minors from sexual exploitation.

(a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other compensation. In this regard, it is necessary to differentiate between:

(i) The offering, delivering or acceptance, by whatever means, of a child for the purposes of:

- a. Sexual exploitation of the child;
- b. Transfer of organs of the child;
- c. Engagement of the child in forced labour.

(b) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption.

2. Sale of children has been criminalized within a number of criminal offences under Chapter 34 of the Criminal Code, which prescribes crimes against humanity and other assets protected under international law: criminal offence of human trafficking (Article 388), criminal offence of trafficking in minors for adoption (Article 389), holding in slavery and transportation of enslaved persons (Article 390), illegal crossing of state border and human smuggling (Article 350).

3. The provision of Article 388 envisages the crime of human trafficking. The legislator chose to envisage trafficking in children (persons under the age of 18) as an aggravated form of this crime, in terms of a more severe punishment. This provision is based on Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Palermo Protocol) supplementing the United Nations Convention against Trans-national Organized Crime.

4. The act of commission of this crime (paragraph 1) includes recruitment, transport, transfer, selling, buying, acting as intermediary in sale, hiding or holding another person, in one of the following ways: by force or threat, deceit or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit. For a criminal offence to exist, a certain direction is also required. These are targeted activities, namely they are aimed at achieving a certain goal with the trafficked person. The said activities are required to be conducted with the view to exploiting such person's labour, forced labour, commission of offences, prostitution or other types of sexual exploitation, beggary, pornography, establishing of slavery or a slave-like relationship, removal of organs or body

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<sup>1</sup> The Criminal Code of the Republic of Serbia was adopted in 2005; the latest amendments were adopted in September 2009, it was published in the Official Gazette of the Republic of Serbia, number 111/09.

parts or service in armed conflicts. The potential punishment for this basic form is three to twelve years imprisonment.

5. The second form of the criminal offence shall exist if the aforementioned act was committed against a person under the age of 18, in the cases when the perpetrator did not use force, threat or any of the other mentioned modes of commission (paragraph 2). The potential punishment is the same: three to twelve years imprisonment.

6. The aggravated form shall exist if the crime was committed against a person under the age of 18, in which case the perpetrator shall be punished by a minimum of five years imprisonment (paragraph 3).

7. If these criminal offences resulted in a serious bodily injury (paragraph 4) or death of the passive subject (paragraph 5), envisaged punishments are imprisonment of five to fifteen years and a minimum of ten years, respectively. If a person habitually engages in human trafficking (paragraph 6) or if the offence is committed by an organized crime group (paragraph 7), envisaged punishments are imprisonment of a minimum of five and minimum of ten years, respectively.

8. The amendments to the Criminal Code adopted in September 2009 increased punishments for this crime and three new paragraphs were added. The most important amendment stipulates that a person's consent to exploitation or to the establishment of slavery or a slave-like relationship shall be irrelevant for the existence of the criminal offence (paragraph 10). It is also stipulated that if a person knew or could have known that another person was a victim of human trafficking, and took advantage of that person's position or enabled another to take advantage of that person's position for the purpose of exploitation, he shall be punished by six months to five years imprisonment (paragraph 8). If such person knew that the victim was a minor, he/she shall be punished by one to eight years imprisonment (paragraph 9).

(a) The provision of Article 389 of the Criminal Code prescribes the criminal offence of trafficking in minors for the purpose of adoption. This crime was introduced into the Serbian legislation because the crime of human trafficking under Article 388 does not include trafficking in children for adoption.

(b) The third criminal offence, holding in slavery and transportation of enslaved persons, stipulated in Article 390 of the Criminal Code, prohibits the sale of children. Given that the crime of human trafficking may also include activities aimed at establishing slavery or a slave-like relationship, differentiation between these two crimes may be a problem in certain cases.

9. This criminal offence is characterized by the existence of slavery or a slave-like relationship. According to the 1926 Convention on the Abolition of Slavery, supplemented by the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. In addition to slavery, the Convention includes institutions and practices similar to slavery, such as debt bondage, serfdom, selling of a woman by her family for the purpose of marriage, selling or transferring of a minor without remuneration by his parent or caretaker for the purpose of exploitation, etc.

10. This criminal offence includes several acts of commission:

- (a) Enslaving or placing another person in a slave-like position;
- (b) Holding another person in such position;
- (c) Buying, selling or handing over a person who is enslaved or placed in a slave-like position;

- (d) Mediation in such buying, selling or handing over;
  - (e) Inciting another to sell his freedom or freedom of the person under his support or care;
11. The stipulated punishment for this basic form is one to ten years imprisonment.
12. The transportation of persons held in slavery or a slave-like position constitutes a lesser form, punishable by six months to five years imprisonment (paragraph 2). The transportation is required to be carried out from one country to another.
13. The qualified form (paragraph 3) shall exist if one of these acts of commission of the basic or lesser form (par. 1 and 2) is committed against a minor, in which case the envisaged punishment is five to fifteen years imprisonment.
- (a) The Criminal Code also includes a separate criminalization: illegal crossing of state border and human smuggling (Article 350). This criminal offence is stipulated in Chapter 31, which includes crimes against public peace and order and, for its two special qualifying forms, as well as for the crime of human trafficking, establishes impossibility to mitigate the punishment below the legally prescribed minimum (Article 57, paragraph 2).
  - (b) With regard to harvesting of organs, it is important to highlight the 2009 Law on Organ Transplants<sup>2</sup>, which is a *lex specialis* in relation to the Criminal Code, and which prescribes three criminal offences (Articles 78-80).
14. The criminal offence stipulated by the provision of Article 78 of the Law on Organ Transplants criminalizes forcing a person against his free will to give written consent for the donation of an organ in his lifetime for the purpose of its transplantation into the body of that person or another, and the removal of organs based on such written consent, or forcing a person to sign a written consent for the post mortem removal of an organ for the purpose of its transplantation into the body of that person or another. The act may be committed in one of the following manners: by use of force, threat, deceit or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit (paragraph 1). The prescribed punishment is two to ten years imprisonment.
15. If this offence was committed against a minor, the perpetrator shall be punished by the penalty prescribed for that offence even if he did not use force, threat or any of the other said methods (paragraph 2).
16. If the offence was committed against a minor, the perpetrator shall be punished by a minimum of three years imprisonment (paragraph 3).
17. Moreover, the provision of Article 79 of the Law on Organ Transplants criminalizes the donation of one's own organ or organ of another person for the purpose of transplantation, for any kind of remuneration, the recruitment, transport, transfer, handing over to another, selling, buying, acting as intermediary in sale or any other mediation in organ transplantation or participation in the transplantation procedure which is subjected to commercial trade (paragraph 1). The prescribed punishment is two to ten years imprisonment.
18. If the offence under Article 79 paragraph 1 of the Law on Organ Transplants was committed against a minor, the perpetrator shall be punished by a minimum of three years imprisonment.

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<sup>2</sup> It was published in the Official Gazette of the Republic of Serbia, number 72/09.

19. The provision of Article 80 of the Law on Organ Transplants also criminalizes the organ transplantation or participation in the procedure of transplanting an organ into the body of a person who had not given a written consent for such a transplant or the harvesting of organ from a deceased person or participation in the removal of organ from a deceased person who had not been diagnosed and declared brain dead, or the harvesting of organ or participation in the procedure of organ removal from a person who in his lifetime forbade the donation of organs in case of death or unless a family member or another close person had given a written consent. The prescribed punishment is imprisonment of two to ten years.

20. If the offence was committed against a minor, the prescribed punishment is a minimum of three years imprisonment.

21. For all three criminal offences, it is stipulated that the perpetrator shall be punished by three to fifteen years imprisonment if one of these offences resulted in a serious bodily injury of the organ donor, and in case of the organ donor's death the perpetrator shall be punished by a minimum of ten years imprisonment.

22. Likewise, for all three criminal offences two common qualified forms have been envisaged: when a person habitually engages in the commission of these crimes, or when the offence is committed by an organized crime group. The prescribed punishment in both cases is a minimum of five years imprisonment.

- Use of children in prostitution means using a child in sexual activities, for pecuniary remuneration or any other consideration, including offering, obtaining, procuring or providing a child for the purposes of prostitution.

23. Use of children in prostitution is criminalized within Chapter 18 of the Criminal Code, including crimes against sexual freedom, namely: pimping and procuring (Article 183) and mediation in prostitution (Article 184).

- The criminal offence of pimping and procuring stipulated by the provision of Article 183 of the Criminal Code has two forms that differ only by the act of commission. The commission of the first form (paragraph 1) involves pimping and of the second, procuring. This criminalization was introduced because of the need to provide enhanced protection of minors in the field of sexual intercourse, in order to prevent prostitution. However, the act of committing this criminal offence differs from the act of mediation in prostitution, which is criminalized by the provision of Article 184.

24. The act of commission of the first form (paragraph 1) is pimping, which means the undertaking of actions of arranging a meeting between the person committing sexual intercourse, an equal act or other sexual activity and a minor (person under the age of 18). Pimping also includes activities of influencing a minor to agree to a sexual act, which is defined in the broadest terms here and includes all actions that constitute the act of commission of criminal offences such as rape, sexual intercourse with a helpless person, sexual intercourse by abuse of office and prohibited sexual acts. The offence is completed upon the undertaking of pimping activities that made it possible for a person to engage in a sexual intercourse, an equal act or other sexual act, regardless of whether such acts were actually committed (or attempted). As opposed to the act of commission of the form under paragraph 2, pimping enables the engagement in the said sexual activities by achieving consent between the minor and the person who will use the pimped minor for such activities. The undertaking of any pimping, including the one that had not yet resulted in such a possibility or achieved consent, constitutes a punishable attempt of this criminal offence. In case of a minor, the notion of consent should be understood in broadest terms, i.e. factual rather than legal, meaning that consent may also be achieved in an unlawful manner (such as by deception) and in general, such consent does not mean actual consent of

a minor but rather a mental influence upon a minor in order to eliminate any possible resistance of the minor.

25. The act of commission of the second form (paragraph 2) involves procuring sexual intercourse, an equal act or other sexual activity. Procuring means the undertaking of such activities that create conditions for the commission or facilitation of commission of one of the said sexual acts. It is important to differentiate between acts of procuring and pimping with respect to the different prescribed punishments. One of the criteria is that procuring does not involve any kind of influence over the will of the passive subject, but it mostly involves procuring in a physical sense (such as by providing facilities) in the case when consent between a person and a minor to engage in one of the said sexual activities had already been achieved.

26. In both cases, the passive subject is a minor. Both forms may be committed only with intent, which must include the circumstance that the person is a minor. The first form is punishable by one to eight years imprisonment and pecuniary fine, and the second by six months to five years imprisonment and pecuniary fine.

- The criminal offence of mediation in prostitution is stipulated by the provision of Article 184 of the Criminal Code. Practicing prostitution in itself is not criminalized, but it constitutes a misdemeanour against public peace and order. Regardless of the moral condemnation of prostitution and its evaluation as a socially unacceptable behaviour, it has become indisputable today that prostitution in itself should not constitute a criminal offence.

27. The criminal offence has a basic form (paragraph 1) and aggravated form, which differs from the basic only by the passive subject – namely, it involves a minor. The act of commission has been determined alternatively: in the first case, it includes soliciting or inducing another person to prostitution, or participation in handing over a person to another for the purpose of prostitution. It should be borne in mind that the soliciting, inducing or handing over should not be committed in a manner that is prescribed for the crime of human trafficking, as this would constitute the latter crime. In the second case, the act of commission is defined as promoting or advertising prostitution by means of mass media. The prescribed punishment is six months to five years imprisonment and pecuniary fine.

28. The aggravated form shall exist if the passive subject is a minor, namely a person under 18 years of age. Of importance for this criminal offence is to define the notion of prostitution. In case of the aggravated form, prostitution should be defined in broad terms, as any sexual intercourse for a compensation that needs not be pecuniary. In case of the basic form, prostitution should be understood in narrow terms, i.e. as placing one's body at the disposal of another for the purposes of undertaking a sexual activity for a pecuniary remuneration, with the intent to generate income for oneself or another by repeating such activity. The restrictive and extensive notion of prostitution in the case of this criminal offence is justifiable, given that the basic form implies mediation in the voluntary activity of an adult, whereas the aggravated form involves a person under the age of 18, where it is justifiable to criminalize any sexual exploitation of a minor. The prescribed punishment is one to ten years imprisonment and pecuniary fine.

- (a) Use of children in pornography - in terms of any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of parts of the child's body which may induce sexual excitement, by way of producing, distributing, disseminating, importing, exporting, offering, selling or possession.

- (i) Use of children in pornography is criminalized within Chapter 18 of the Criminal Code, including criminal offences against sexual freedom, in particular in the provisions on criminal offences of showing and obtaining and possession of

pornographic material and use of minors for pornography (Article 185), and the amendments to the Criminal Code adopted in September 2009 prescribed two new criminal offences: inducing a minor to be present during sexual activities (Article 185 a) and use of computer network or communication by other technical means to commit crimes against sexual freedom against a minor (Article 185 b).

(ii) The criminal offence of showing and obtaining and possession of pornographic material and use of minors for pornography is stipulated in Article 185 of the Criminal Code. Pornographic content may refer to images, audio-visual and other pornographic objects, or pornographic performance.

29. In the former case (paragraph (i)), pornography is made available to a minor (a person under the age of 18). The act of commission includes selling, showing, publicly displaying or otherwise making such objects or performances available to the child. This form may be committed only with intent. Intent may be indirect, as it is sufficient to consent to acquainting the child with the content of the pornographic object, even though the object is being publicly displayed for another purpose. The stipulated punishment is pecuniary fine or imprisonment of up to six months. If this offence was committed against a person under the age of 14, the stipulated punishment is imprisonment of six months to three years (paragraph 3).

30. The latter, aggravated form of this criminal offence (paragraph 2) shall exist if a minor is used for the production of pornographic objects or for a pornographic performance. The stipulated punishment is six months to five years imprisonment. If this offence is committed against a child (a person under the age of 14), the stipulated punishment is imprisonment of one to eight years (paragraph 3).

31. A special form (paragraph 4) shall exist if a person possesses, for his own purposes or for another, or sells, shows, publicly displays or makes available electronically or otherwise, pornographic objects produced by the use of a minor. These are forms relating to the spreading or circulating of pornography. The stipulated punishment is imprisonment of three months to three years.

32. Paragraph 5 stipulates mandatory pronouncement of the security measure of seizure of objects.

- The criminal offence of inducing a minor to be present during sexual activities (Article 185 a) criminalizes the inducing of a minor to be present during rape, sexual intercourse or an equal act, or other sexual activity. The stipulated punishment is six months to five years imprisonment and pecuniary fine.

33. The aggravated form of this criminal offence shall exist if the offence was committed by use of force or threat against the child (a person under the age of 14) and is punishable by imprisonment of one to eight years.

- The criminal offence of use of computer network or communication by other technical means to commit crimes against sexual freedom against a minor (Article 185 b) criminalizes arranging a meeting with a minor, by using the computer network or communication by other technical means, and appearing at the arranged meeting place, with the intent to commit a criminal offence of rape, sexual intercourse with a helpless person, sexual intercourse with a child, sexual intercourse by abuse of office, prohibited sexual acts, pimping or procuring, mediation in prostitution, showing, obtaining and possession of pornographic material and use of minors for pornography, and inducing a minor to be present during sexual activities (paragraph 1). The stipulated punishment is six months to five years imprisonment and pecuniary fine.

34. The aggravated form shall exist if the offence under Article 185 b paragraph 1 of the Criminal Code was committed against a child. The stipulated punishment is one to eight years imprisonment.

d) The work on the draft Law on Children is under way.

**2. Reply to the issues raised in paragraph 2 of the list of issues .**

35. The provision of Article 389 of the Criminal Code prescribes the criminal offence of trafficking in minors for adoption. This criminalization includes mediation in adoption.

36. The act of commission of this criminal offence has been defined **as:**

(a) Abduction of a person under sixteen years of age for the purpose of adoption contrary to applicable laws – abduction may be committed by force, threat, deception or a fraudulent action;

(b) Adoption of such person;

(c) Mediation in such adoption;

(d) Buying, selling, and handing over to, transportation, provision of accommodation or concealment of another for the purpose of adoption.

37. The person who adopts a child that was abducted for adoption, as well as the person who mediates in such adoption shall also be deemed to have committed this criminal offence.

38. The stipulated punishment is one to five years imprisonment.

39. The subjective element of the criminal offence is intent, which includes awareness that the act of commission is undertaken for the purpose of adopting a child contrary to applicable laws.

40. The aggravated form of this criminal offence shall exist in case a person habitually engages in trafficking in children for adoption (paragraph 2), which is punishable by a minimum of three years imprisonment, as well as if the offence was committed by an organized crime group (paragraph 3), in which case the perpetrator shall be punished by a minimum of five years imprisonment.

41. The procedure of ratifying the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption is underway. The Ministry of Labour and Social Policy has prepared a draft law on the ratification of this convention, which is currently in the process of consultation, following which it shall be submitted to the National Assembly of the Republic of Serbia for adoption.

42. Adoption – the institute of family law protection of children without parental care – has undergone significant changes with the adoption of the Family Law<sup>3</sup>, with regard to the legal nature, forms, requirements, effect and manner of starting and termination. The most significant changes include the following: (1) instead of hitherto two forms, the Family Law allows for only one type of adoption; (2) a minimum age limit for child adoption has been set; (3) the Law stipulates that the age difference between the adoptive parent and adoptee may not be less than 18 nor exceed 45 years; (4) there is a legal possibility for extra-marital couples to adopt a child under the same conditions as marital partners; (5) an obligation to centralize data at the Republic level has been defined, regarding both the future adoptive parents and future adopted children, through the establishment of the

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<sup>3</sup> It was published in the Official Gazette of the Republic of Serbia, number 18/05.



Uniform Personal Adoption Registry; (6) a special program for the preparation of future adoptive parents has been introduced.

43. Based on the Family Law, bylaws regulating the following have been adopted: (a) managing of the Unified Personal Adoption Registry, (b) mode of keeping records and documentation on adopted children; (c) adoption preparation program. Establishment of the Unified Personal Adoption Registry has allowed the prevention of irregularities in the application of this important child protection institute, the procedure was made more transparent and allowed the selection of the adoptive family based on the child's needs, personal characteristics and respecting the child's best interest as the guiding principle.<sup>4</sup>

**Number and structure of children adopted in the 2006-2009 period  
(domestic and inter-country adoption)<sup>5</sup>:**

Year	Total	Gender		Ethnicity										
		m	f	Inter-country	domestic	Serbian	Roma	Muslim	Hungarian	Bulgarian	Croatian	Albanian	unknown	other
2006	97	43	54	9	88	71	18	1	1	1	/	/	1	4
2007	134	68	66	12	122	99	28	1	1	/	/	/	4	1
2008	140	71	69	11	129	102	25	/	4	/	1	1	5	2
2009	136	67	69	15	121	106	16	1	11	/	/	2	/	/

44. In addition to the ethnic and gender structure of adopted children, the data shown in the table also illustrate a mild growing trend in the number of adopted children in the previous three-year period.

45. In the 2006-2009 period there was a large number of potential adoptive parents, as well as of children without parental care. In December 2009, there were 86 children (undergoing the adoption process) as well as 519 domestic and 53 foreign potential adoptive parents in the Unified Personal Adoption Registry. According to the 2009 data, the Roma future adoptive parents accounted for a small percentage in the Unified Personal Adoption Registry (approximately 1.5%) relative to the percentage of Roma children who were determined generally eligible for adoption (25-30%), therefore there are no objective conditions for these children to be adopted by families of the same ethnic origin. The selection of potential adoptive families for this group of children is made primarily from among domestic adoptive parents of other ethnicities, and only if that is not possible, choice is made firstly from among domestic adoptive parents who live and work abroad, then among adoptive parents who are foreign citizens but one of them is by origin from the Republic of Serbia, and finally, among foreign families whose data are stored in the Unified Personal Adoption Registry.

46. The difficulties relating to adoption are also recognized in the group of children with serious developmental difficulties and serious organic diseases. A very small percentage of these children are adopted by domestic adoptive parents and, in accordance with legal provisions and the Convention on the Rights of the Child, they are subjected to inter-

<sup>4</sup> The Uniform Personal Adoption Registry is kept in the Ministry of Labour and Social Policy as of January 2006.

<sup>5</sup> Source: the Ministry of Labour and Social Policy of the Republic of Serbia, 2009.

country adoption: nine (9) children were adopted in 2006, twelve (12) children were adopted in 2007 and eleven (11) children were adopted in 2008. In 2009, there was the total of 136 adoptions, 15 of which were inter-country.

47. Children with Serbian citizenship, adopted by foreign adoptive parents were as follows: by French nationals (2 children), by Italian nationals (1 child), by Swedish nationals (3 children), by nationals of the United States of America (7 children), by nationals of the Republic of Kazakhstan (1 child), by nationals of Canada (1 child). Of these 15 children, only two were healthy Roma children, while all other children had health, developmental or combined impairments, for which it was not possible to choose adoptive parents from among domestic citizens.

### **3. Reply to the issues raised in paragraph 3 of the list of issues .**

48. The National Plan of Action for Children (NPA) is one of the first strategic documents adopted by the Government. The Document was developed by the Council for Child Rights of the Government. The Government adopted the NPA for children in 2004 as an expression of the country's strategic commitment in public policy towards children by 2015. The NPA has marked a turning point in the society's attitude toward children and in the expansion of the country's developmental policy so that it includes policy toward children as its integral part. Based on the definition of the child contained in the United Nations Convention on the Rights of the Child, according to which "a child means every human being below the age of eighteen years", the NPA was drafted in full compliance with the four main principles underlying all articles of the Convention: non-discrimination, best interest of the child, right to life, survival and development and child participation. Based on the objectives of child protection as defined in the aforementioned documents but also in other relevant international documents, and based on the estimates made by the Council for Child Rights that were based on the information about the position of children in the Serbian society, priorities were defined determining the structure of the NPA. These priorities constitute the following main NPA items: (1) Child poverty reduction, (2) Quality education for all children; (3) Better health for all children; (4) Improving the position and rights of children with developmental difficulties; (5) Protecting the rights of children without parental care; (6) Protecting children from abuse, neglect, exploitation and violence and (7) Strengthening the country's capacity for solving children's problems.

49. In the course of 2009 (the sixth year of implementation of NPA) and considering the long-term character of the document, it was necessary to make an overview of achievements to date, with recommendations for harmonizing the NPA with the newly emerged social circumstances, the needs to render its application as operational as possible, and the efficient monitoring of its implementation. For that purpose, the Council for Child Rights, in cooperation with UNICEF, launched activities on the development of a comprehensive analysis of the Overview of the Implementation of the National Plan of Action (NPA) for Children in the 2004-2009 Period. The main purpose of the overview of the implementation of the NPA for children for 2004-2009 is to assess the effectiveness of the implementation of the current NPA and to define the present situation as a basis for harmonization of the NPA for the future period. The objectives of this overview are as follows: (1) to determine and present the achieved level of implementation of activities and the achievement of specific and strategic NPA objectives in the previous five-year implementation period (2004-2008); (2) to examine the coherence of measures laid out in the NPA with measures envisaged by the new strategic documents adopted by the Government in the period following 2004 and (3) to assess their relevance for further implementation with respect to the present situation, taking into account the effects of implementation achieved so far, the recommendations of the Committee on the Rights of the Child and European standards.

50. The Council for Child Rights has adopted *An Overview of the Implementation of the National Plan of Action for Children in the 2004-2009 Period*, based on which the Draft National Plan of Action for Children for the 2010-2015 Period was made. The Draft includes the following priorities for the 2010-2015 period:

- (a) Poverty reduction and social inclusion of children;
- (b) Better health for all children;
- (c) Quality education for all children;
- (d) Improving the position and rights of children with developmental difficulties;
- (e) Protecting the rights of children without parental care;
- (f) Protecting children from abuse, neglect, exploitation and violence.
- (g) Strengthening the capacity for the promotion of rights and position of children.

51. The Council for Child Rights is currently conducting activities on the continuation of the consultative process, which also implies harmonization of this document with Local Plans of Action for Children<sup>6</sup>, following which all collected proposals, comments and suggestions shall be integrated into the draft. This document shall then be forwarded to the Government for adoption.

52. The National Plan of Action for Children explicitly states that it is, among other, based on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. *Protection of Children from Abuse, Neglect, Exploitation and Violence* was therefore stated as one of the seven priorities. Furthermore, during the revision process of the NPA in 2009 and 2010, the strategies/action plans dealing with issues from the Optional Protocol were analyzed, namely the National Plan of Action for Combating Human Trafficking (adopted in April 2009), the National Strategy for Prevention and Protection of Children From Violence (adopted in December 2008) and the Action Plan for its implementation (adopted in March 2010). These strategies/action plans were used as a basis for defining the activities in the revised NPA.

53. Furthermore, the Working Group consisting of representatives of relevant government authorities and civil society has developed the Model of National Strategy for Prevention and Protection of Children from Trafficking and Use of Children in Pornography and Prostitution. The round table held in late March 2010 reviewed the said model and initiated a more specific inclusion of the key recommendations for the protection of children under the Optional Protocol into the revised NPA.

#### **4. Reply to the issues raised in paragraph 4 of the list of issues.**

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<sup>6</sup> The Overview of Implementation of the NPA also took into consideration the achievements resulting from implementation of the Local Plans of Action for Children (LPA). In order to contribute to the achievement of NPA goals, UNICEF introduced a program in 2004 to encourage municipalities to develop their own Local Plans of Action based on the policy defined in the national document – NPA for Children. In addition to the seven priorities defined in the NPA, the LPAs contain three additional ones: promotion of sport as an element of importance for character improvement and socialization of children; promotion of children’s cultural life and informing children about children. The development of the LPA is based on a uniform methodological structure in line with the NPA, and the main objective of this development is to approximate national priorities and local needs, in line with the principles of decentralization and sustainable development of the Republic of Serbia. A total of 21 municipalities/towns<sup>6</sup> in Serbia have adopted a LPA and began its implementation to date. Pilot municipalities/towns: Sjenica, Kragujevac, Pirot, Prokuplje, Krusevac, Kanjiza, Senta, Bela Palanka, Valjevo, Osecina, Ljubovija, Vranje, Nova Varos, Prijepolje, Priboj, Lebane, Becej, Novi Pazar, Bojnik, Vladicin Han and Kraljevo.

54. DevInfo (previously known as Childinfo) is a program package that was promoted in the Republic of Serbia in 2004, in cooperation with the Government and UNICEF as a computer program which enables data exchange between numerous users and serves to monitor the achievement of five multilateral strategies: the Millennium Development Goals, the National Plan of Action for Children, A World Fit For Children, the World Summit for Children and Poverty Reduction Strategy of the Republic of Serbia. The Devinfo database, for which the National Statistical Office of Serbia has been responsible since of 2007, is updated twice a year, in April and October. The latest version of the database contains 320 indicators, classified in 11 sectors, within the said strategies. The preliminary experience in using the DevInfo database, as a special computer program, is positive, but a more reliable evaluation of a longer-term nature of its scope of application is still premature. On the other hand, unfortunately, it was recognized that this base is insufficiently used in the analysis and monitoring of the implementation of reform processes in Serbia. A detailed review of indicators will be undertaken in 2010 and if deemed necessary, the indicators will be revised. A smaller number of indicators will be chosen, but they will be analyzed more regularly in order to identify the trends in the fields of protection and promotion of child rights in Serbia. The data on criminal offences committed against minors will also be included in the revision process of the DevInfo database.

**4 (a) Reply to the issues raised in paragraph 4 (a) of the list of issues.**

55. In the period from January 2007 through late 2009, a total of 110 minors were injured by the crime of human trafficking referred to in Article 388 of the Criminal Code, including 32 children (15 girls and 17 boys) and 78 minors (55 girls and 23 boys).

**Persons injured by crime of human trafficking in 2007\***

<i>Gender</i>	<i>Under 14 years of age</i>	<i>14 -18 Years of age</i>	<i>Total</i>
<i>Male</i>	3	13	16
<i>Female</i>	2	17	19
<i>Total</i>	5	30	35

\* In the course of 2007 the majority of criminal charges were filed for sexual exploitation, labour exploitation and exploitation for the purpose of beggary.

**Persons injured by crime of human trafficking in 2008**

<i>Gender</i>	<i>Under 14 years of age</i>	<i>14-18 Years of Age</i>	<i>Total:</i>
<i>Male</i>	8	1	9
<i>Female</i>	4	14	18
<i>Total:</i>	12	15	27

<i>Type of victim exploitation</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
	<i>Minors</i>	<i>Minors</i>	
<i>Sexual exploitation</i>	/	10	10
<i>Labour exploitation</i>	3	1	4
<i>Exploitation for the purpose of committing criminal offences</i>	2	1	3
<i>Exploitation for the purpose of beggary</i>	4	3	7
<i>Forced marriage</i>		3	3
<i>Organ trafficking</i>	/	/	/
<i>Total</i>	9	18	27

**Persons injured by crime of human trafficking in 2009**

<i>Gender</i>	<i>Under 14 years of age</i>	<i>14-18 Years of Age</i>	<i>Total:</i>
<i>Male</i>	6	9	15
<i>Female</i>	9	24	33
<i>Total:</i>	15	33	48

<i>Type of victim exploitation</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
	<i>Minors</i>	<i>Minors</i>	
<i>Sexual exploitation</i>		27	27
<i>Labour exploitation</i>	4	1	5
<i>Exploitation for the purpose of committing criminal offences</i>	2		2
<i>Exploitation for the purpose of beggary</i>	9	3	12
<i>Forced marriage</i>		2	2
<i>Organ trafficking</i>	/	/	/
<i>Total</i>	15	33	48

56. According to police reports, the most frequent types of exploitation of children and minors include sexual exploitation, exploitation for the purpose of beggary, labour exploitation, forced marriage, trafficking for the purpose of committing and assisting in the commission of criminal offences. In the majority of cases, victims were female children and minors, whereas the exploitation of labour and commission of criminal offences also involved male minors.

57. Likewise, a growing number of domestic nationals as victims of human trafficking have been registered in recent years, which also applies to children and minors.

58. In the period between 2007 and 2009, the following was uncovered in the territory of the Republic of Serbia:

(a) 7 victims of trafficking in children for adoption under Article 389 of the Criminal Code (of the total number of children, three were male and four female. In terms of age structure, the majority of children injured by the said crime were aged below 5).

(b) 19 minors injured by the criminal offence of mediation in prostitution under Article 184 of the Criminal Code (including one child, four younger minors and 14 elder minors. In terms of gender structure, all victims were female).

(c) 29 children injured by the criminal offence of showing, obtaining and possession of pornographic material and use of minors for prostitution under Article 185 of the Criminal Code. (In terms of age structure, the majority of children injured by the said criminal offence were aged 11-14. In terms of gender structure, 9 male and 20 female victims were revealed).<sup>7</sup>

<sup>7</sup> Data of the Ministry of Interior

4 (b) Reply to the issues raised in paragraph 4 (b) of the list of issues.

<i>Reported, accused and convicted adults, perpetrators of criminal offences, Serbia, 2007 and 2008<sup>8</sup></i>			
	<i>Reported</i>	<i>Accused</i>	<i>Convicted</i>
<b>2007</b>			
<i>Rape (Article 178 of the CC)</i>	164	87	71
<i>Sexual Intercourse With a Child (Article 180 of the CC)</i>	56	32	28
<i>Pimping and Procuring (Article 183 of the CC)</i>	5	5	1
<i>Mediation in Prostitution (Article 184 of the CC)</i>	43	33	25
<i>Showing Pornographic Material and Using Children for Pornography (Article 185 of the CC)</i>	8	2	2
<i>Article 185a of the CC – new as of October 2009</i>	/	/	/
<i>Article 185b of the CC – new as of October 2009</i>	/	/	/
<i>Human Trafficking (Article 388 of the CC)</i>	51	16	14
<i>Trafficking in Children for Adoption (Article 389 of the CC)</i>	15	7	7
<i>Holding in Slavery and Transportation of Enslaved Persons (Article 390 of the CC)</i>	/	/	/
<b>2008</b>			
<i>Rape (Article 178 of the CC)</i>	142	108	88
<i>Sexual Intercourse With a Child (Article 180 of the CC)</i>	43	37	26
<i>Pimping and Procuring (Article 183 of the CC)</i>	11	2	/
<i>Mediation in Prostitution (Article 184 of the CC)</i>	34	43	28
<i>Showing Pornographic Material and Using Children for Pornography (Article 185 of the CC)</i>	6	1	1
<i>Article 185a of the CC – new as of October 2009</i>	/	/	/
<i>Article 185b of the CC – new as of October 2009</i>	/	/	/
<i>Human Trafficking (Article 388 of the CC)</i>	51	14	12
<i>Trafficking in Children for Adoption (Article 389 of the CC)</i>	/	2	2
<i>Holding in Slavery and Transportation of Enslaved Persons (Article 390 of the CC)</i>	/	/	/

4 (c) Reply to the issues raised in paragraph 4 (c) of the list of issues.

**Number of charges filed by the guardian institution for criminal offences committed to the detriment of minors<sup>9</sup>**

<sup>8</sup> Data of the National Statistical Office

<i>Criminal Offence</i>	<i>Number of Charges in 2007</i>	<i>Number of Charges in 2008</i>
<i>Rape (Article 178 of the CC)</i>	6	9
<i>Sexual Intercourse with a Helpless Person (Article 179 of the CC)</i>	3	2
<i>Sexual Intercourse With a Child (Article 180 of the CC)</i>	8	11
<i>Sexual Intercourse through Abuse of Office (Article 181 of the CC)</i>	0	4
<i>Prohibited Sexual Acts (Article 182 of the CC)</i>	9	7
<i>Pimping and Procuring (Article 183 of the CC)</i>	3	2
<i>Mediation in Prostitution (Article 184 of the CC)</i>	0	1
<i>Showing Pornographic Material and Using Children for Pornography (Article 185 of the CC)</i>	0	3
<i>Cohabiting with a Minor (Article 190 of the)</i>	18	25
<i>Abduction of a Minor (Article 191 of the CC)</i>	14	9
<i>Change of Family Status (Article 192 of the CC)</i>	0	0
<i>Neglecting and Abusing a Minor (Article 193 of the CC)</i>	40	44
<i>Domestic Violence (Article 194 of the CC)</i>	55	58
<i>Failure to Provide Maintenance (Article 195 of the CC)</i>	45	35
<i>Violation of Family Duty (Article 196 of the CC)</i>	12	12
<i>Total number of filed charges</i>	<i>213</i>	<i>222</i>

59. Adequate protection measures were taken for all 222 children in 2008, as well as 213 child victims of criminal offences (in 2007), in line with the General Protocol for the Protection of Children from Abuse and Neglect and the family-law protection procedures applied by centres for social work in the Republic of Serbia.

##### **5. Reply to the issues raised in paragraph 5 of the list of issues.**

60. The main achievements in this field include improved legislation and significantly developed public policies in the field of protecting children from abuse, neglect, exploitation and violence: the National Millennium Development Goals in the Republic of Serbia; the National Strategy for Prevention and Protection of Children from Violence<sup>10</sup>,

<sup>9</sup> Data of the Ministry of Labour and Social Policy – Work reports of centres for social work for 2007 and 2008

<sup>10</sup> The Government adopted the *National Strategy for Prevention and Protection of Children from Violence* on 30 December 2008 (the Official Gazette of RS, number 122/08). This strategic document directly contributes to the fulfilment of obligations that the Republic of Serbia assumed by the ratification of international, as well as national documents, primarily the National Plan of Action for Children. The commitment of Serbia to the respect of rights and advancement of position of children, particularly to the prevention and protection of children from violence, is reflected in the numerous strategic documents and new laws adopted by the Government and National Assembly of the Republic of Serbia, as well as in the reform processes in the fields of social care and health care, education, judiciary and police and other fields. *The Strategy for Prevention and Protection of*

adopted in December 2008, and the Action Plan<sup>11</sup> supplementing this Strategy, adopted in early March 2010.

61. The Government adopted the General Protocol on the Protection of Children from Abuse and Neglect in 2005, with the aim of establishing an efficient, operational, multi-sector network for the protection of children from abuse, neglect, exploitation and violence. The General Protocol was published on two occasions: in September 2006 and December 2008, in 3000 copies in total. The Centre for Child Rights, a non-governmental organization publicized in 2006 a Manual for the Implementation of the General Protocol for the Protection of Children in Social Care Institutions of the Republic of Serbia.<sup>12</sup> The General Protocol defined the role of centres for social work as community coordinating service for the protection of children against all types of misuse. The General Protocol acknowledged the fact that protection of children victims of abuse and neglect is a complex process that involves institutions, organizations, individuals from different systems (social care, education, health, police, judiciary, etc) and that efficient intervention requires cooperation and coordinated action of all participants in this process. This means that everyone working with children and families (including those who primarily work with parents) must be completely sure how to react in case of suspicion that a child may be exposed to abuse or neglect. Implementation of the General Protocol contributes to the establishment of an efficient and coordinated procedure for the protection of a child who is an actual or potential victim of abuse or neglect and provides for adequate intervention, recovery and conditions for further safe development of the child. The General Protocol also contributed to the development and spreading of the network of multidisciplinary child protection teams in the local community and to the application of a joint model of these teams at the municipal level throughout the Republic of Serbia. This kind of approach aims to point out that child protection is a unified process even though it involves different systems, each with its own peculiarities.

62. Every citizen, who has a legal and civil duty to report danger or suspicion, or knowledge that a child is being abused or seriously neglected, should be informed about the procedure that will follow after the report is filed. By the adoption of the Rulebook on the Organization, Norms and Standards of Work of Centres for Social Work (2008)<sup>13</sup>,

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*Children from Violence* is also based on the *Law on the Basis of the Education and Upbringing System*, which prohibits, for the first time, physical violence and offending of children's personality, namely guarantees the right of a child (pupil) to be protected from discrimination and violence, and further on the *Law on Minor Perpetrators of Criminal Offences and Criminal-Legal Protection of Minors* and the *Criminal Code*. The Strategy also relies on the *Criminal Procedure Code*, which clearly prescribes rules for reporting a suspicion that an offence prosecuted *ex officio* was committed, and contains new rules of procedure relating to the protection of the injured person. *The Law on Health Care* guarantees the right of each patient to be provided with health care in compliance with the highest possible standards of human rights and values. The child – patient is guaranteed the right to physical and mental integrity and safety of personality, as well as the respect of his moral, cultural, religious and philosophical beliefs, and the *Law on Police* introduces specialization of police officers acting in cases of criminal offences committed against minors. The *Labour Law* includes special provisions defining jobs at which a person under the age of 18 shall not work at.

<sup>11</sup> One of the Action Plan activities is the development of an operational plan of informing the public about the magnitude and effects of violence against children. This activity includes the development of a plan for the following three years and should be concluded by the end of 2010. Likewise, within the same objective, a national educational campaign on the effects and recognition of violence against children is envisaged to be organized, at least once a year. It is noteworthy that the Government has earmarked the amount of 3 million dinars for the implementation of this document, which is a significant step forward in the implementation of measures for the protection of children against violence.

<sup>12</sup> The manual was published in 1,500 copies, with additional 1,500 copies printed in 2009.

<sup>13</sup> The Ministry of Labour and Social Policy (2008): Rulebook on the Organization, Norms and Work Standards of Centres for Social Work. The obligation of the Republic of Serbia is to harmonize domestic regulations and practice in the



provision is made for the initial assessment of all submissions and reports filed by citizens, potential beneficiaries of this service. This initial assessment determines the level of priority of case manager's action (immediate, urgent and regular), the intensity and sequence of the centre's actions, as well as the intensity and dynamics of including representatives of other child assistance and support systems. In line with the General Protocol, mandatory 24-hour duty was introduced in all Centres for Social Work in Serbia, in case of need for immediate interventions in order to protect a child from abuse and neglect, which are conducted in cooperation with the police and health service.

63. Special protocols for the protection of children from abuse were adopted for social care institutions (the Special Protocol for the Protection of Children from Abuse and Neglect in Social Care Institutions, 2006), as well as for the police (the Special Protocol on the Action of Police Officers to Protect Minors from Abuse and Neglect, 2006), education (the Special Protocol for the Protection of Children and Pupils from Violence, Abuse and Neglect at Educational Institutions, 2007), health care (the Special Protocol of the Health Care System for the Protection of Children from Abuse and Neglect, 2009) and judiciary system (the Special Protocol on Judicial Action to Protect Minors from Abuse and Neglect, 2009).

64. Thus, the system of protection as a whole also provides for early identification of children who are at risk of violation of rights established under the Optional Protocol, as well as for the adequate and timely intervention of all relevant systems in the community.

**Data on the number of children placed in residential care institutions, foster families and adopted children:**

<i>Year</i>	<i>Children in institutions (under 18 years of age)</i>	<i>Children in foster care (under 18 years of age)</i>	<i>Adopted children</i>	<i>TOTAL</i>
<i>2005</i>	2,175	2,685	123	4,983
<i>2006</i>	2,104	2,940	95	5,139
<i>2007</i>	1,702	3,350	131	5,183
<i>2008</i>	995	4,236	140	5,371
<i>2009</i>	870	4,770	136	5,776

65. Given that the Rulebook on the Organization, Norms and Work Standards in Centres for Social Work entered into force in 2008, and that the change of working method made it necessary to innovate the relatively anachronistic mode of reporting which is not in line with modern approaches in work, the Republic Social Care Institute<sup>14</sup> began working extensively in early 2009 to form a modern database of beneficiaries or Social Care

field of child rights with international legislation and achieved standards, particularly with ratified conventions in the field of child rights and family relations. With the adoption of the *Rulebook on the Organization, Norms and Work Standards in the Centres for Social Work* (2008), these general standards have become operational through the implementation of a new working method – case management. The main objective of the Ministry of Labour and Social Policy, in the field of social care services, is to prevent social exclusion of an individual, to support life in beneficiary's natural surroundings, to protect vulnerable groups of citizens against deprivation of their rights, as well as against incompetent delivery of services. In order to secure the attainment of this objective, the quality of service providing needed to be defined in the form of minimal standards.

<sup>14</sup> According to the Law on Social Care, all social care institutions (centres for social work and residential care institutions) have an obligation to submit annual work reports on the standardized sheet (form) to the Ministry of Labour and Social Policy. Under the same Law, the Republic Social Care Institute is obligated to analyze process and submit those reports to stakeholders in the field, for their use.

services, etc. This service will include indicators contained in the requirements of the Committee on the Rights of the Child relating to the expected periodic reporting on the implementation of the United Nations Convention on the Rights of the Child, the Optional Protocols, as well as the indicators contained in numerous adopted strategic documents and the related supplementary or independent action plans.

66. In the social care system, all children who are registered by the centre for social work, on any grounds, especially those in the group of neglected or abused children, are covered by some kind of social intervention. In 2008, the number of children covered by interventions relating to protection from abuse and neglect was 3,158.

67. Within the implementation process of the Strategy for the Development of Social Care and the National Plan of Action for Children, the Ministry of Labour and Social Policy, in cooperation with UNICEF, has commenced activities on the implementation of the Project of *Transformation of Residential Care Institutions for Children and the Development of Sustainable Alternatives*.<sup>15</sup> One group of project activities relates to the development of foster care, with special focus on the development of so-called specialized foster care, among other for children with developmental difficulties, as well as to reviewing the activities of health care workers in maternity wards and the prevention of accommodation of children with developmental difficulties in social care institutions. As an outcome of work of the group for transformation of institutions, *the Comprehensive Plan for Transformation of Residential Care Institutions for Children in the 2009-2013 Period* was drafted. This document provides for planned activities of the social care system and assists decision makers in planning the mode, timeline and framework for reducing overall capacities of residential care institutions for children (by 50% in the five-year period), care quality improvement in the institutions (by building professional capacities and improving accommodation conditions) and redirecting a part of institutional capacities for the development of services in the local community. In the course of April 2010, elements of the plan will also be adopted by the Government, through a document entitled Decision on the Network of Residential Care Institutions<sup>16</sup>. This should be highlighted in particular because according to the plan, the capacities of institutions for children that will be made free and available will be directed for the development of local community services<sup>17</sup> for

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<sup>15</sup> Within the activity of improving the protection of children without parental care and intensifying the implementation of measures for protecting children in less restrictive environment, the Ministry of Labour and Social Policy has signed an Agreement with UNICEF on the implementation of the Project of *Transformation of Residential Institutions for Children and the Development of Sustainable Alternatives – A Child's Place is Within the Family*. This project comprises four segments of promoting the protection of children without parental care: (1) transformation of residential institutions; (2) improvement of monitoring and regulatory mechanisms in institutions; (3) development of specialized foster care and (4) strengthening the role of health system in the early support to the family with a view to preventing institutionalization of children with developmental disabilities. This project, amounting to the value of 1.4 million EUR, is implemented by UNICEF and funded by the European Commission.

<sup>16</sup> The Decision regulates the network of residential care institutions founded by the Government, or competent authority of the autonomous province. The Decision is adopted in line with the tendencies and principles of reform of the social care system and key national documents, and it defines the main activity of social care institutions for the accommodation of beneficiaries and accurately determines the capacity in line with the social care system reform achievements to date, realistic needs and the decision to apply less restrictive protection measures.

<sup>17</sup> It should be noted that in the course of 2009, the process of adopting local social care strategies was continued (over 120 strategic documents were adopted), along with other activities initiated at the local or central level and activities supported by donors. However, all these activities are not always coordinated – there is no satisfactory coordination between initiation of new services in municipalities and regions, or districts, and activities aimed at accelerating de-institutionalization. Coordination of donor activities is still not satisfactory, despite efforts made by the Government and donors to improve this coordination. The current economic crisis in Serbia is considerably affecting the budgetary rationalization as well. Although the crisis can be seen as an obstacle for the transformation process (because every reform costs), the economic crisis is a reminder that the optimization of the network of residential care institutions is necessary for a more efficient utilization of existing resources.

support and rehabilitation of children, including children whose rights are protected under the Optional Protocol.

68. The follow-up activities in building professional capacities and improving the protection of human and child rights were continued in late 2008 through first half of 2009 by training of experts employed in the centres for social work (the bases of social care services in the community, of which there are 139 in Serbia) within the accredited training program for the application of the case management method. The training was successfully completed by over 1,000 professionals currently employed in centres for social work (social workers, psychologists, pedagogues). This allowed for the Rulebook on the Organization, Norms and Work Standards in Centres for Social Work (2008) to be applied according to a unified reference framework and significantly increased the level of competences and skills of professionals employed in these services. One of the modules in this program referred to strengthening competencies of employees for working with multiproblem families, so as to prevent the separation of children from the family. Improvement of competences of professionals in centres for social work aims among other to better assess the needs, as well as to insist on finding alternative solutions for children without parental care.

69. Through provision of specialized services intended to strengthen the capacity of families to take care of children, centres for social work should reduce the effects of adverse circumstances and situations, and secure a stable and supporting environment for child development. The aim of services for children and family is to support the preservation of family, where appropriate, through the provision of services which stabilize the family situation and empower the child's parents and caretakers to exercise their parental and caretaker rights and obligations. In relation to the aforementioned, interventions leading to a child's separation from the family are only applicable in situations where the child's stay in the family would jeopardize his/her safety, for which reason the centres for social work apply the concept of resorting to the least restrictive interventions, thus protecting the needs and best interests of children. Despite the commitment to developing specialized family support services, such services have not been sufficiently developed to date. Likewise, there are hardly any specific programs for enhancing family competencies in the Republic of Serbia, for which reason it is necessary in the coming period to enhance coordinative functions of centres for social work, but also of local communities and associations of citizens, to be able to competently and in an accessible manner organize their support to families facing the risk of neglect and abandonment of children, while doing it in a culturally competent manner and by recognising the peculiarities of both the child and family.

70. It is important to highlight that centres for social work have an obligation under the Rulebook to make prevention activities in the community a significant field of their work. Thus, centres for social work have an obligation to develop prevention programs which contribute to meeting individual and common needs of citizens, namely to preventing and combating social problems in the local community. The preventive action of the centres is conducted through implementation of specific, thematic and targeted prevention programs. It should be emphasized that the centres for social work should conduct these activities together with other systems in the community, particularly bearing in mind the children protected under the Optional Protocol.

71. Shelter for Emergency Protection of Abused Children – This service operates within the Centre for the Protection of Infants, Children and Youth, as the social care institution in Belgrade.

### Length of stay of children at the Shelter for Emergency Protection of Abused Children

Length of stay	Total number of children in 2009		Number of children on 31 December 2009	
	Number	%	Number	%
<i>up to 1 month</i>	6	15	1	12.5
<i>1-3 months</i>	16	40	6	75
<i>4-6 months</i>	9	22.5	1	12.5
<i>7-11 months</i>	9	22.5	/	/
<i>1 year and longer</i>	/	/	/	/
<b><i>T o t a l</i></b>	<b>40</b>	<b>100</b>	<b>8</b>	<b>100</b>

72. A total of 24 children were admitted to the Shelter during 2009, the majority due to gross neglect (9), exposure to physical and emotional abuse (12), emotional abuse (2) and in one case due to human trafficking. The majority of children were admitted directly from their natural families (19), while five children were placed from foster families. In the course of 2009, 32 children were released. Seven children were placed in foster care, eight in a social care institution. Six children were returned to their natural family. Four children voluntarily left the Shelter, which was a consequence of inadequate efficiency of the caretaking authority in adopting decisions and implementing more permanent placement of children. The average length of stay at the Shelter is 3 months and 28 days. Children who stay at the Shelter the longest are those who cannot be placed in a family environment, but are placed in institutional care outside the centre (7 months and 10 days).

73. Institute for the Upbringing of Children and Youth, as a social care institution, has expanded its activities based on the Decision on the Network of Social Care Institutions (published in the Official Gazette of RS, number 51/08) of the Government, so that in addition to the Work Unit under the name of the Centre for Placement of Children and Youth Subjected to the Educational Measure of Referral to an Educational Institution Work Centre, the Institute now includes a new Work Unit under the name of the Centre for Placement of Minor Foreigners Not Accompanied by Parent or Carer, with the capacity of 12 beneficiaries. On 8 April 2009 the first minor foreigner, originating from Iran, was admitted and included in the status determination procedure. The Centre Work Unit is open for admittance throughout the calendar year, 24 hours a day. The Centre admits male minor foreigners aged 7 to 18, due to non-existence of a separate unit for placement of female minor foreigners. Upon admittance of a minor, an observational health examination is carried out, and a hygiene treatment. Minors are *ex officio* placed under a temporary guardianship and assigned a temporary guardian. During the stay of foreign minors, consideration is given to the protection of their interests, prohibition of discrimination, respect of their right to participation in care giving, recognition of their needs and preferences, respect of their religious, cultural and ethnic identity, right to a translator free of charge, recognition of their existential needs (food, hygiene, clothes, footwear, etc), contact with parents and interorganizational cooperation and timeliness, until their return to the country of origin or placement in the Asylum Centre in Banja Koviljaca. The Centre implements daily activities in line with its curriculum, organizes leisure activities in accordance with the foreign minor's interests (creative and art workshops, sports and recreational activities, computer playgrounds), as well as the daily provision of information relating to the determination of their current status.

74. Since the beginning of the Centre's activities, 72 beneficiaries were admitted, including 71 males, aged 11 to 17 and 1 girl aged 16, from Bulgaria, who spent the nights in facilities of the Reception Station due to the lack of girl facilities. Of the 72 beneficiaries, centres for social work mediated in the placement of 46 children and young people, and the law enforcement (i.e. the Ministry of Interior) mediated in 26 placements.

<i>Country of origin</i>	<i>Afghanistan</i>	<i>Albania</i>	<i>Macedonia</i>	<i>Turkey</i>	<i>Iran</i>	<i>Bulgaria</i>	<i>Palestine</i>	<i>Total</i>
<i>Total number of beneficiaries</i>	45	20	3	1	1	1	1	72
<i>Average length of stay in days</i>	36	14	20	22	47	3	12	154

75. The total number of overnights between 8 April and 31 December 2009 was 1,623. As regards the releases, 43 beneficiaries were placed in the Asylum Centre in Banja Koviljaca, 21 were returned to the country of origin, 4 beneficiaries terminated their stay by running away, and 4 were taken over by their parents.

76. The SOS Child Phone Line was established in 2005, under the support of the Ministry of Labour and Social Policy, the Ministry of Health, the Ministry of Education and Sport, the People's Office of the President of the Republic of Serbia, the Foundation of Princess Katarina Karadjordjevic and Telecom Serbia. The SOS Line started off as a project activity, which evolved into a service financed from the budget (the Ministry of Labour and Social Policy), as the only telephone line of this kind at the national level. Call to telephone number 0800/123456 is a toll-free and anonymous, confidential telephone service accessible at all times, 24 hours a day, every day of the year. Beside children, the line is also intended for adults who are concerned for the safety of a child from their surroundings. Since its establishment in 2005 to date, the SOS Child Line has received over 42,520 calls, including approximately 9,775 consultations. The majority of calls came from children aged between ten and fifteen. Most calls during 2009 came from children (92%) and the rest were by adults. The number of boys and girls turning to this phone line is equal (50%-50%). A total of 9.43% of calls were related to abuse and violence, 32% to peer relationships, 6.9% to school problems, 4.4% to sexuality, 15% to family relations, 17.3% to psychosocial issues, 11.4% to obtaining information and approximately 3.5% were related to other issues. Further information on the line may be obtained at the Internet site [www.decijalinija.com](http://www.decijalinija.com). The child line in Serbia is a member of the international organization of the Child Help Lines International, which includes phone lines from over 150 countries. Statistics show that the type of problems and number of calls in Serbia is the same as in European Union member countries.

77. The Agency for Coordination of Protection of Victims of Human Trafficking was established on 1 March 2004, as a joint project of the Ministry of Labour, Employment and Social Policy and the OSCE Mission to Serbia. The Agency works within the Institute for the Education of Children and Youth in Belgrade. As of 1 June 2005 the Agency provides services funded from the budget of the Republic of Serbia (the Ministry of Labour and Social Policy). It is an important part in the established national mechanism for combating human trafficking.

78. The Agency is engaged in protection of victims of human trafficking, including children, through identification and referral of victims to adequate assistance programs. Given that the Agency does not have developed programs for working with child victims, nor an adequate shelter for their reception, all minor victims of human trafficking are provided protection through inclusion of centres for social work from the whole territory of Republic of Serbia.

79. In 2004, a total of 38 victims of human trafficking were identified, including 18 minors, namely 4 boys and 14 girls. In 2005, the total number of registered victims was 53, all of them female, including 28 girls. In 2006, the total number of registered victims was 62, including 34 minors namely 32 girls and 2 boys. The total number of victims in 2007 was 60, including 26 minors, namely 24 girls and 2 boys.

<i>Data provided by the Agency for the Coordination of Protection of Victims of Human Trafficking</i>	<i>2008</i>	<i>2009</i>	<i>Share of minors in 2009</i>
			<i>59 (46.5%)</i>
<i>Total number of identified beneficiaries</i>	<i>55</i>	<i>127</i>	
<i>Number of trafficking victims</i>	<i>37</i>	<i>107</i>	<i>47 (43.9%)</i>
<i>Number of potential victims</i>	<i>18</i>	<i>20</i>	<i>12 (60.0%)</i>
<i>Type of exploitation</i>			
<i>Sexual Exploitation</i>	<i>22</i>	<i>66</i>	<i>29 (43.9%)</i>
<i>Labour Exploitation</i>	<i>5</i>	<i>18</i>	<i>2</i>
<i>Beggary</i>	<i>5</i>	<i>14</i>	<i>9</i>
<i>Forced marriage</i>	<i>3</i>	<i>6</i>	<i>3</i>
<i>Coercion to commit criminal offences</i>	<i>1</i>	<i>2</i>	<i>3</i>
<i>Attempted adoption</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>Age</i>			
<i>minors</i>	<i>30</i>	<i>59</i>	
<i>Adults</i>	<i>25</i>	<i>68</i>	
<i>Gender</i>			
<i>Male</i>	<i>7</i>	<i>23</i>	<i>10 (43.8%)</i>
<i>Female</i>	<i>48</i>	<i>104</i>	<i>49 (47.2%)</i>
<i>Victims' origin</i>			
<i>Serbia</i>	<i>49</i>	<i>114</i>	<i>56</i>
<i>Macedonia</i>	<i>2</i>	<i>1</i>	<i>1</i>
<i>Moldova</i>	<i>2</i>	<i>1</i>	
<i>Dominican Republic</i>		<i>2</i>	
<i>Albania</i>		<i>1</i>	
<i>Czech Republic</i>		<i>1</i>	
<i>Slovenia</i>		<i>1</i>	
<i>Bosnia and Herzegovina</i>		<i>2</i>	<i>1</i>
<i>Romania</i>		<i>3</i>	<i>1</i>
<i>Montenegro</i>		<i>1</i>	
<i>Uzbekistan</i>	<i>2</i>		

80. The largest number of victims of 112 has been reported by the police, while other bodies and organizations have reported the remaining 15 victims (non-governmental organizations, social care centres, UNHCR and the Coordination Agency for Protection of Human Trafficking Victims, which subsequently identified the victims appearing as witnesses in the proceedings related to human trafficking). The Agency cooperates with specialized non-governmental organizations on daily basis (the Atina, the Counselling against Family Violence, the Astra, etc.), professionals in the field of social care, the police, the judicial bodies and other professionals and organizations active in the field of combat against human trafficking.

81. This method of operation provides the possibility to create flexible models of assistance in accordance with individual requirements of the victims. The Agency as a state institution, in partnership with other subjects active in the field of combat against human trafficking, guarantees continuity of operations related to protection and assistance to the victims of human trafficking. Protection of minors, who are the victims of human

trafficking has been organized in cooperation with the competent custody authorities. There are no specific protection programmes for children who are the victims of human trafficking.

### Number of Minor Children as Victims According to Applied Forms

#### Of Social care and Family Legal Protection

<i>Form of Protective Measure</i>	<i>Number of Users</i>
<i>1) Reception centre</i>	<i>8</i>
<i>2) Placement with foster family</i>	<i>1</i>
<i>3) Return to family</i>	<i>27</i>
<i>4) Return to country of nationality</i>	<i>3</i>
<i>5) Placement at social care institution</i>	<i>9</i>
<i>6) Safe shelter – Novi Sad</i>	<i>5</i>
<i>7) the Agency has no information</i>	<i>6</i>
<i>Total</i>	<i>59</i>

82. In compliance with the provisions of the General Protocol, in 2009 the Ministry of Health prepared the Special Protocol on Protection of Children from Abuse and Neglect. The Special Protocol defines the roles and responsibilities of health care officials, as well as the mechanisms of cooperation between the institutions in various sectors in prevention and protection of children from abuse. This Protocol is intended to health workers and health assistants directly engaged in health care for children, at all levels, in public, private and non-governmental sector.

83. Some of the activities, which are now specified to be systematic according to the Special Protocol, have been implemented ever since 1996, when the Multi-disciplinary Team for Health Care of abused children was established within the Health Care Institute for Mothers and Children in Belgrade “Dr Vukan Cupic”. The members of the team are two surgeons for children, two paediatrician doctors, two gynaecologists, an orthopaedists, a radiologist, a clinical psychiatrist and a social worker.

84. The review of children in respect of age and adults who had been provided by the Multi-disciplinary Team within the period from 1996 to 2005:

<i>Age in Years</i>	<i>Number of Children</i>	<i>%</i>
<i>0-2</i>	<i>6</i>	<i>3.6</i>
<i>3-6</i>	<i>15</i>	<i>9.1</i>
<i>7-14</i>	<i>81</i>	<i>49.1</i>
<i>15-18</i>	<i>32</i>	<i>19.4</i>
<i>19-25</i>	<i>28</i>	<i>17.0</i>
<i>26-27</i>	<i>3</i>	<i>1.8</i>
<i>Total</i>	<i>165</i>	<i>100.00</i>

Out of the total number of provided children and adults, there are 93 females and 72 males.

85. The presented number of adults relates to students, who were partly provided at the Health Care Institute for Mothers and Children „Dr Vukan Cupic” within the mentioned period.

**Review of provided children in respect of age who had been provided by the Multi-disciplinary team within the period from 2006 to 2008:**

<i>Age in Years</i>	<i>Number of Children</i>	<i>%</i>
<i>0-2</i>	<i>5</i>	<i>8.2</i>
<i>3-6</i>	<i>19</i>	<i>31.1</i>
<i>7-14</i>	<i>30</i>	<i>49.2</i>
<i>15-18</i>	<i>7</i>	<i>11.5</i>
<i>Total</i>	<i>61</i>	<i>100.0</i>

Out of the total number of provided children, there are 41 females and 20 males.

86. In 1998 the Multi-disciplinary Team prepared the Protocol on Health Care for Abused Children defining the procedure in case of doubt it is about an abused child, which relates to making of a diagnosis by the members of the Multi-disciplinary Team, and if necessary, by other medical experts, treatment process as well as to reporting on doubt of abuse to the competent authorities. This Protocol is used both at the Institute on daily basis and for education of health workers at the Institute and other medical institutions, especially at health centres, for employees of polyvalent field services and by other services dealing with children.

87. The City Institute of Public Health "Dr Milan Jovanovic Batut" in Belgrade organized education on the subject of practical messages for children, which also included education related protection of children from abuse and neglect, under the professional and financial support by the Ministry of Health and UNICEF within the period from 2002 to 2006. In total 2,500 nurses employed with the polyvalent field service from all medical centres in the Republic of Serbia were educated within the above mentioned period, as well as 500 nurses employed with paediatrician services of health centres in the city of Belgrade.

88. The Specialized Team to work with abused and neglected children was established with the Institute of Mental Health in Belgrade in 2000. This team deals with sensitization and education of the experts of the Institute of Mental Health and from other systems, making diagnosis and psychotherapeutic activities with children and families, as well as with cooperation with other services in order to accomplish common protection of children from abuse and neglect. As a part of the standard assessment procedure, a risk assessment template has been introduced and an application form has been created to be filled in by the expert who first suspected abuse and neglect. So far 546 children were reported for whom the Team accomplished provision, made contacts with the competent agencies and involved itself in further process of protection.

89. The team for protection of children from abuse and neglect consisted of doctors and associates from various organizational units – Health care centres for children, Marriage and Family Department and Department of Addiction Diseases

90. The main objectives of the team were:

- (a) Recognition and assessment of abuse and neglect;
- (b) Specialized treatment for children and family, which also included activities with the person who had committed abuse and with non-abusing parent;
- (c) Cooperation with other agencies and systems (social care centres, medical centres, schools, non-governmental organization);



- (d) Sensitization of employees within the Institute of Mental Health regarding the problems of abuse and neglect of children;
- (e) Sensitization and education of experts from other systems (educations of experts employed with social care centres during the course of 1999/2000, education of experts employed with primary health care institutions during 2000, education of employees of the police, representatives of local community, as well as organization of education in cooperation with UNICEF in order to provide training for professionals involved in activities with children in South-East Serbia within the period from 2003 to 2005);
- (f) Active participation in amending legal regulations related to abuse and neglect of children at the state level.

91. The team contributed to the creation of contents of the Protocol on Health Care by its active participation in the working groups and public discussions in the process of the adoption of the Protocol, which were organized by the Ministry of Health of the Republic of Serbia in cooperation with UNICEF.

92. The team has been transformed into the Office for Protection of Children from Abuse and Neglect, consisting of: a psychiatrist for children, two psychologists, two social workers and a lawyer. The Office meets once a week performing the following activities:

- (a) Consideration and registration of new cases detected during the previous week
- (b) Meetings with other experts of the Institute, in order to assist them and supervise the cases, adopt decisions and schedule procedures
- (c) Consideration of cases with the representatives of other institutions (social care centres, schools, medical centres)
- (d) Writing of reports to other agencies.

93. Since the very beginning of activities, as a part of standard procedure, the Registry of Reported Cases of Abuse and Neglect of Children has been introduced for children who had referred to the Institute of Mental Health for help. 546 cases of abused and neglected children were reported within the period from 2000 to 2009. The largest number of cases was reported by psychiatrists for children who discovered abuse and neglect of children in their day practice, then by the psychiatrist working with adults, and a large number of children were also sent to the Institute from other institutions (social care centres, medical centres, schools, police, courts).

The sources that had sent abused/neglected children to treatment at the Institute of Mental Health are shown in the table below:

<i>Source that had sent the child</i>	<i>Number of Children</i>	<i>%</i>
<i>Parent</i>	197	36.1
<i>Doctor</i>	120	22
<i>School</i>	38	7
<i>Social Care Centre</i>	90	16.5
<i>Court</i>	3	0.5
<i>Personal</i>	8	1.5
<i>Reception centres or homes for children</i>	7	1.3
<i>Total</i>	463	84.8
<i>Not registered *</i>	83	15.2
<i>Total</i>	546	100.0

\* it relates to children for whom it was established during the treatment that there was abuse/neglect and the data about the institution sending such children to treatment had not been recorded

94. Out of the total number of reported children, only 63 children, i.e. 11.3% of them were sent or contacted a psychiatrist primarily because of abuse and neglect, having the diagnosis of "F74". In a considerably lower number of cases (13 children, i.e. 2.5%), children were sent to the Institute from other institutions (social care centre, school, medical centres, court) primarily because of psychiatric problems, with already reported abuse and/or neglect. Nevertheless, the highest percentage of abuse/neglect (86.2%) was discovered during the treatment of a child because of primary psychiatric disease.

*The number of cases reported by the Team for Protection of Children from Abuse and Neglect within the period from 2000 to 2009:*

<i>Year of registration</i>	<i>Number of Children</i>	<i>%</i>
<i>2000</i>	65	11.9
<i>2001</i>	57	10.4
<i>2002</i>	99	18.1
<i>2003</i>	86	15.8
<i>2004</i>	54	9.9
<i>2005</i>	57	10.4
<i>2006</i>	42	7.7
<i>2007</i>	25	4.6
<i>2008</i>	11	2.0
<i>2009</i>	50	9.2
<i>Total</i>	546	100.00

95. As could be seen from the table above, during the first years of its operation the Team reported a larger number of children. Since within that period other medical institutions did not recognize the issue of abuse and neglect and had no teams of their own, the children were addressed to the Institute of Mental Health. The initiation of education of health workers and associates of other medical institutions, sensitization of employees was

increased at all institutions dealing with such children, so that a certain number of children were sent to assessment and treatment to those institutions as well.

96. In respect of sex of children, out of the total number of 284 children or 52% of them were female and 262 children or 48% were male, so that there is no significant difference in respect of gender from a statistical point of view.

**Types of abuse and neglect are shown in the table below:**

		<i>Types of Abuse and Neglect</i>					
		<i>Physical</i>	<i>Emotional</i>	<i>Sexual</i>	<i>Neglect</i>	<i>Exploitation</i>	<i>Violence attendance</i>
<i>Gender</i>	<i>male</i>	141	168	26	63	1	54
	<i>female</i>	126	162	74	69	2	34
	<i>total</i>	267	330	100	132	3	88
	<i>% *</i>	48,9	60,4	18,3	24,2	0,5	16,1

\* the percentage is higher than 100, because several types of abuse were present in some cases

97. Emotional abuse was the most frequently reported type of abuse, since it occurs in the presence of other types of abuse (physical and sexual abuse). This percentage is probably higher although it is difficult to assess with certainty, due to the methodology of diagnosis, whether it is about improper treatment by parents (which is not here presented as a special category) or it is about emotional abuse. 18.3% of children experienced sexual abuse.

**6. Reply to the issues raised in paragraph 6 of the list of issues**

98. The reform of the social care system has been implemented for ten years in the Republic of Serbia. The results of this reform were converted into the Draft Law on Social Care. About the middle of March 2010, one of the most comprehensive public discussions with the largest number of participants has been completed and the final draft law is expected in April. The principles the new law is based on are: full scope of accomplishment of human rights and social inclusion, respect for the best interest of the user, user's active role in definition of services, provision of quality control, development of services at the local level, partnership between public, non-governmental and private sectors.

99. On the one hand, the draft law defines the groups of social care users, and on the other, it defines the groups (namely the types) of services. The following categories are mentioned, *inter alia*, as the users: a child at risk and a child who is a victim of abuse, neglect and exploitation, then a child who is a victim of human trafficking as well as a foreign child who is a victim of human trafficking. Counselling – therapeutic and social-educational services are mentioned as groups of services as well as the placement services and support services for independent living. The mentioned groups of services also prescribe specific services concretely related to social integration and physical and psychiatric recovery, shelter for children and SOS phone lines for children.

100. The new law stresses the development of services in the community, and placement of users at the institutions is only one of services to be used if support cannot be provided in some less restrictive form (such as fostering, adoption of children without parental care, or daily homes, support living, home assistance or personal assistant services, in case of disabled persons).

101. The draft law also prescribes that minimum standards for the most important services are defined and licences for rendering of such services are obtained. The reform process involved the development of the draft of minimum standards and making the pilot

projects. Among other things, pilots of minimum standards of institutional placements were made for children and young and reception camp services.

102. In addition, the draft prescribes professional training of experts and associates as one of the conditions to renew a work licence in social care, while the Ministry of Labour and Social Policy introduced the system of accreditation of training programmes. Special programmes intended for experts working with children who are victims of abuse, neglect and exploitation have been accredited.

103. Within the recent period, considerable, measurable steps forward were achieved in the decrease of the number of children without parental care, placement at institutions. However, the decrease of institutional care for disabled persons is slow, because there are no support services at the local level. Also, there are no services intended for children protected according to the Optional Protocol. Thus, the draft of the new Law on Social Care prescribes that a special fund is established for transfers to the poorest local communities in Serbia, explicitly intended for the development of certain services – it is one of support mechanisms to communities that have no capacities to establish and maintain services intended to citizens, as a response to their needs.

104. The Ministry of Labour and Social Policy recognizes the lack of capacities and concrete services in the field in case of children who are victims of human trafficking, prostitution, pornography and sexual exploitation. Thus, it is necessary to develop the programmes and minimum standards, namely to establish services that will, among other things, be intended to children who are victims of criminal acts prescribed by the Optional Protocol. It is also necessary to build the mechanisms how to finance the given services.

**7. Reply to the issues raised in paragraph 7 of the list of issues.**

105. There are two sources of finances in the field of social care– directly from the fund allocated from the budget of the republic of Serbia for the Ministry of Labour and Social Policy, and from the budgetary funds. In 2009, the Ministry of Labour and Social Policy allocated over RSD 7,700,000.00 to finance the activities of SOS phone line for children. To finance the activities of the Counselling Against Family Violence in Belgrade, about RSD 900,000.00 were allocated in 2009. Also, considerable funds have been allocated to finance reception camp for urgent protection of abused children, for the Agency for Coordination of Protection against Human Trafficking and the Centre for Placement of Minor Foreigners Not Accompanied by Parent or Carer.

106. In accordance with the Poverty Reduction Strategy and the Social Care Development Strategy, social services continued to be rendered in the partnership between the state and other organizations, primarily non-governmental organizations, i.e. programme and project development of services within the framework of social care reform. The continuity of operation of the Fund for Social Innovations has been secured (FSI), as well as the operation of the Fund for Disabled Persons (FDP), especially in respect of services that are within the competence of local self-government. Technical and financial support by international donors (e.g. DFID, UNDP, the Kingdom of Norway, EU/EAR, UNICEF) has also contributed to the development of programme and project rendering of services within the framework of social care. A considerable portion of these programmes is also directed to the programmes and development of services for children protected by the Optional Protocol.

107. With the aim to ensure professional, ethical and law-based treatment of minors by the police, the Ministry of Interior adopted two binding documents: The Instructions on Treatment of Minors and Younger Adults by the Police and the Special Protocol on Activities of the Police in Protection of Minors from Abuse and Neglect.

108. The Ministry of Interior has been accomplishing its preventive function in order to protect life and personal safety of children and minors: it carries out constant and systematic activities, undertakes measures and actions in accordance with law, monitors events and makes analysis of security conditions, supervises implementation of plans, programmes and actions in this field, informs the public about the problems of abuse and exploitation of children, develops cooperation and renders professional assistance to citizens, other state authorities and social organizations, bodies of territorial autonomy and local self-government, public companies, institutions, non-governmental and other organizations of citizens, in particular in respect of detection of exploitation, abduction and children trafficking cases, as well as to implement the existing and encourage new programmes and activities that would make prevention of various forms of abuse and exploitation of children and minors more successful.

109. The treatment of children and minors by the police officers has been defined by the Law on Minor Perpetrators of Criminal Offences and Criminal-Legal Protection of Minors, the Criminal Procedure Code, the Law on Misdemeanours, the Law on Police, as well as by the Instructions on Treatment of Minors and Younger Adults by the Police and the Special Protocol on Actions by Police Officers in Protection of Minors from Abuse and Neglect.

110. The activities to prevent all forms of violence and protect children against it are, as a rule performed by the police officers specially trained to work with minors, who had been granted relevant certificates, as well as other police officers in the security sector. According to Article 165 of the Law on Minor Perpetrators of Criminal Offences and Criminal-Legal Protection of Minors from 1 January 2006 to March 2010, 1,256 police officers completed the training.

111. The activities and assignments under the circumstances where children and minors appear to be the damaged have the priority and they are performed in the best interest of the child, using accordingly the available organizational and functional potentials, in compliance with the provisions of the Criminal Procedure Code, the Law on Minor Perpetrators of Criminal Offences and Criminal-Legal Protection of Minors, the Law on Police and other relevant regulations.

112. All charges including elements of abuse and exploitation of children require immediate actions by the police officers.

113. Suppression of criminal acts criminalized by the domestic misdemeanour and family legislation, namely of actions prohibited by the Optional Protocol, involves undertaking of measures and actions with the aim to find the offenders of criminal acts and their conveying to the competent authorities, production of evidence, as well as provision of assistance and support to children and minors damaged by some criminal act.

114. Depending on the evaluation of the danger and circumstances, necessary measures and actions can be undertaken in immediate (urgent) and/or regular procedures.

115. If an injured person, either independently or escorted by his/her parent, adopter parent, caretaker or other person, comes to the premises of the police wishing to report on a criminal act committed against him/her or to the detriment of a child or a minor, it is necessary that further activities are taken over by a police officer trained to work with minors, who had gained special knowledge in the field of the rights of the child and criminal-legal protection of minors.

116. When undertaking measures and actions to be attended by children and minors, the police officers are obliged to act cautiously, especially on the occasions of collecting information about the cases in which they appear to be damaged (victims of criminal acts and offences), taking care of age, other personal characteristics and protection of privacy of

minors, with the aim that mentioned measures, actions and activities shall not harmfully effect the future growth of children and minors.

117. The organizational units of the Ministry of Interior that act in cases of commitment of crimes related to children trafficking are: service on call, criminal, border, traffic and general competence police.

118. Reporting on criminal acts related to human trafficking is possible through the regional police directorates in the territory of the Republic of Serbia, which was additionally facilitated by means of special telephone line at the Border Police Operating Centre on Call, which is in operation for 24 hours, seven days a week and by means of e-mail.

119. The officers of the criminal police specially trained to work with minors have initiated the implementation of preventive measures with school children and youth since 2005, according to the model of workshops, in cooperation with managers and psychological-pedagogic departments of educational institutions in the territory of the Republic of Serbia. These activities are aimed at the improvement of security at educational institutions and their immediate vicinity and at due and objective information to pupils about their rights and obligations in accordance with the Convention on the Rights of the Child.

120. In order to demystify the police activities and make the police more familiar to citizens, the Ministry of Interior, in cooperation with OEBS and DFID international organizations, the national Directorate of the Police of the Kingdom of Norway and the Swiss Development and Cooperation Office, has conducted the pilot project of *Police in Local Community*, which included several municipalities in the territory of the Republic of Serbia. Within the framework of this project numerous prevention programmes have been implemented, which are intended to children and youth and which are still applied, such as: *Abuse of Children Prevention Programme, Crime Prevention Programme at Schools and Against Pupils, Rape Prevention Programme, Self-defense Prevention Programme Against Rape, Educational Programme in Respect of Preservation of Traces of Criminal Acts and Observations of Details Important for the Area, Prevention Programme of Drugs Abuse, Violence Prevention Programme at Schools, Prevention Programme Against Violence at Sports Manifestations, Violence Prevention Programme in Families, Alcohol Prevention Programme.*

121. In December 2006 the Government adopted the Strategy on Combating Human Trafficking<sup>18</sup>, which had been prepared according to the Guidelines for National Action Plans of the Stability Pact and in accordance with the Programme for Development and Implementation of Comprehensive National Reply to the issues of human trafficking and the best experience in the region, prepared by the International Centre for Development of Migration Policy (ICMPD).

122. The National Action Plan on Combating Human Trafficking was adopted in April 2009 for the period from 2009 to 2011 and by this the Republic of Serbia fulfilled one of the technical conditions for liberalization of visa regime with EU thus contributing to a large extent to more successful combat against human and children trafficking in the Republic of Serbia.

123. In November 2009 the Ministry of Interior, the Ministry of Finances, the Ministry of Labour and Social Policy, the Ministry of Education and the Ministry of Justice signed at the Government an Agreement on Cooperation in the field of combat against human

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<sup>18</sup> The Official Gazette of RS, no. 111/06.

trafficking, with the aim to harmonize and coordinate the activities of the state authorities in combat against this form of crime, in particular in the field of prevention, education and protection of victims. The Annex to this Agreement includes standard operative procedures how to treat the victims of human trafficking.

124. The Ministry of Interior has so far undertaken, with the aim to raise awareness of the public, especially of children and youth about combat against human trafficking, several preventive activities, as from 2003, and in particular in October 2007, 2008 and 2009, which was declared to be the month of combat against human trafficking in the Republic of Serbia. It was the time when educational gatherings and advertising campaign were carried out, under the title *Modern Slavery* and more than 2,000 posters under the slogan *People are not Goods! Stop Human Trafficking!* were disseminated and 10,000 information leaflets were distributed.

125. Since 2003 many training courses for trainers and instructors for combat against human trafficking have been carried out, under the organization of UNDP, UNODC, ICMPD, IOM and in cooperation with the Council of Europe. The Ministry of Interior, in cooperation with Beosupport non-governmental organization – The Belgrade support to exploited children and youth, implemented in the course of 2005 the training of employees with the police and social care services for the protection of children, its subject being: Children Trafficking for Sexual Purposes – identification and initial access to children victims of human trafficking; within the period from 2005 to 2007, and within the framework of the project of *Protection of Children Victims of Human Trafficking*, in cooperation between the Ministry of Interior and the Centre for the Right of the Child, a non-governmental organization, under the support of Save the Children UK, implemented 12 regional educational seminars for 411 public prosecutors, police officers, judges, representatives of educational system, social and health care and media, under the subject *Children Trafficking* at the Institute of Mental Health – Threats and Reality, which accomplished continued training in the course of 2008 as well; the Ministry of Interior, in cooperation with the Centre for the Child Rights, a non-governmental organization, under the support of the Mission of OESC to the Republic of Serbia, since 2007, within the project of *Protection of Children Victims of Human Trafficking* in the light of reform projects, the Ministry of Labour and Social Policy and the Ministry of Interior, implemented three pilot seminars for the police officers who had gained special knowledge in the field of the rights of the child, criminal acts committed by the young and criminal-legal protection of minors and team coordinators for protection of children without parental care within the social care system, the implementation of which was continued in 2008, too, with the aim to comprehend the status of children victims of human trafficking in the protection process, applying the procedures of the General and Special Protocols for protection of children from abuse and neglect in everyday activities.

126. In the course of 2007 a public painting competition was prepared and organized, its subject being *Modern Slavery*, in which pupils of 175 primary and secondary schools participated from the territory of Serbia, Vojvodina, Kosovo and Metohija and the Republic of Srpska (B&H), with 1,195 essays in total – the best painting was published as a supplementary mail stamp, and the funds obtained from sale, in the amount of about EUR 60,000 were directly forwarded to render assistance to human trafficking victims, through the Coordination Agency for Protection of Human Trafficking Victims. In addition to the best painting, another 13 paintings were selected, which were printed in the form of a calendar for 2008; police officers took part in 176 public forums, attended by 12,145 pupils, students and parents, and 952 school principals, teachers, pedagogists, psychologists, representatives of social care centres and non-governmental organizations; public forums and meetings with the representatives of 43 Roma associations were held, which were attended by 390 members, aimed at education of the Roma population; media campaign was also conducted during which 65 programmes were broadcast at radio stations and 111

visiting programmes were accomplished at local, regional and national televisions. Also, 32 press conferences were held and 31 articles were published in daily press and periodicals; *Combat against Human Trafficking: Protective Measures and Improvement of Victims' Rights* regional seminar was held in cooperation with the Office of the Council of Europe in Belgrade on 18 and 19 October 2007 at the Sava Congress Centre in Belgrade.

127. In the course of 2008 several activities were held wherein police officers of the Ministry of Interior directly participated at round tables, forums, in radio and TV programmes and in education of children and youth at schools.

128. An exhibition of children's paintings received at the *Modern Slavery* competition from 2007 was held in the course of 2009, to mark the European Day of combat against human trafficking; 1,000 copies of promotion calendars for 2010 were printed and disseminated, their subject being *Modern Slavery*; the police officers of the Ministry of Interior, the Border Police Directorate and all Police Directorates took part at 284 public forums in total, which lasted for 530 school classes and attended by 25,769 pupils and students, 1,318 school principals, teachers, pedagogists, psychologists, as well as by other experts. Some forums were attended by 255 representatives of non-governmental organizations in total, the Red Cross Organization of the Republic of Serbia and the Social Care centre; public forums and meetings with the members of the Roma associations were held, which were attended by 232 members in total, aimed at education of the Roma population; the police officers of the Ministry of Interior have participated in the public media: radio stations broadcast 16 programmes about human trafficking in the total duration of 270 minutes (4 hours and 50 minutes), while there were 102 appearances in total on TV and in programmes dedicated to this issue in the length of 1,913 minutes (31 hour and 8 minutes); the police officers of the Ministry of Interior held interviews, press conferences and provided statements for the media in the total number of 87, and 47 newspaper articles were published regarding the issues of human trafficking in the Republic of Serbia; the Internet page of the Ministry of Interior has been redesigned, which now has *Children and Police* hyperlink. Children and youth can use this hyperlink to access various materials for information about security culture. Active participation of children and youth in creation and improvement of the contents of the link has also been initiated.

129. In the field of health care for dissemination activities, public awareness raising, prevention and assistance rendering to victims, the resources of the Ministry of Health are engaged as well as the resources of other health institutions at all levels of health care, including the Institute of Public Health of Serbia "Dr Milan Jovanovic Batut" and the network of public health institutions and institutes. The resources for funding come from the budget of the Republic of Serbia for the Ministry of Health, under significant technical and financial support by international organizations.

130. 10,000 copies of the Special Protocol on health care system for the protection of children from abuse and neglect were designed and printed in the course of 2009 in cooperation and under the financial support of UNICEF.

131. Dissemination of printed copies of the Special Protocol to more than 240 health institutions, namely to all 157 health centres, 15 institutes and to all hospital institutions where children are treated (40 municipal hospitals, 8 special hospitals, 4 clinics, 8 institutes, 4 clinical centres, 4 clinical-hospital centres, etc.), as well as to all district school administrations and social care centres was carried in March 2010 in cooperation with the Institute of Mental Health through the network of public health institutions and institutes.

132. In the letter addressed to medical institutions it is stated they are obliged to set up the Expert Team for protection of children against violence of the prescribed composition, as well as to carry out the training for the application of the Special Protocol in order that all employed health workers and associates of the institution get to know the contents of the



Special Protocol, while expert teams and a certain number of experts shall be included in higher level education and specialized education.

133. Special levels of education shall be separately arranged in the forthcoming period, after the health workers and associates had been informed about the contents of the Special Protocol and establishment of expert teams at health care institutions, which is expected to be done in the first half of 2010. Continuous education has been planned in this field, as well as the preparation of the Handbook for the application of the Special Protocol of health care system for protection of children from abuse and neglect in cooperation and under the financial support of UNICEF. In addition, continuous training in this field shall be also provided by health institutions for their health workers and associates.

134. The Special Protocol of health care system for protection of children from abuse and neglect (in Serbian and in English languages) may be obtained on the Internet page of the Ministry of Health of the Republic of Serbia, [www.zdravlje.gov.rs](http://www.zdravlje.gov.rs) as well as on the Internet page of the Office of UNICEF in Belgrade: [www.unicef.org](http://www.unicef.org).

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