

In 2012, Serbia made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government established a Parliamentary Committee on Children with the aim to review and monitor all legislation pertaining to children and their rights and align it with international standards. The Government also adopted amendments to the Law on Probate Proceedings that enabled 6,500 undocumented individuals to obtain personal documents, which are important for children to access social services. Despite these efforts, Serbia's laws fail to protect children fully from the worst forms of child labor. Serbia does not specifically prohibit the use, procurement or offering of a child for the production and trafficking of drugs. The Criminal Code provides insufficient minimum penalties for using children over 14 to make pornographic materials. Children in Serbia, particularly Roma children, continue to be found in the worst forms of child labor, including forced begging and commercial sexual exploitation.

Statistics on Working Children and Education

| Children | Age | Percent |
|---------------------------|-----------|--------------|
| Working | 5-14 yrs. | 6.0 (54,045) |
| Attending School | 7-14 yrs. | 92.5 |
| Combining Work and School | 7-14 yrs. | 6.7 |
| Primary Completion Rate | | 99.3 |

Sources:

Primary completion rate: Data from 2011, published by UNESCO Institute for Statistics, 2013.(1)

All other data: Understanding Children's Work Project's analysis of statistics from MICS3 Survey, 2005.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Serbia are found in the worst forms of child labor as a result of being trafficked for organized begging and commercial sexual exploitation.(3-7) Victims of trafficking for commercial sexual exploitation, including children are mostly trafficked within the country. The majority of victims are Serbian nationals; most of the foreign victims of trafficking come from the region.(7)

The most vulnerable children to exploitation for labor and commercial sex include Roma children, children from impoverished rural communities, children in foster care,



children from low income families, and children with special needs.(5, 6, 9, 10)

Children are engaged in farming to a lesser extent, although evidence for this is limited.(8) Children working in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides.(11, 12)

There are reports of children working on the streets but information as to specific activities and hazards is unknown.(8)

Laws and Regulations on the Worst Forms of Child Labor

The Constitution sets the minimum age for work at 15, and for hazardous work at 18.(13) Article 60 of the Constitution also includes a provision for special protections at work and special work conditions for young persons. The Constitution calls for the protection of a child from psychological, physical and economic harm, and from any other form of abuse or exploitation.(13) However, there are no legal provisions that outline a specific list of activities or occupations that are hazardous and prohibited to children.(10, 14)

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International Conventions and Selected Laws on Child Labor and Education

| | | |
|---|---|-----|
|  | C138, Minimum Age | ✓ |
| | C182, Worst Forms of Child Labor | ✓ |
|  | CRC | ✓ |
| | CRC Optional Protocol on Armed Conflict | ✓ |
| | CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | ✓ |
|  | Palermo Protocol on Trafficking in Persons | ✓ |
|  | Minimum Age for Work | 15 |
| | Minimum Age for Hazardous Work | 18 |
|  | Compulsory Education Age | 15 |
| | Free Public Education | Yes |

Article 26 of the Constitution bans slavery or situations similar to slavery, including human trafficking and forced labor.(13) The Criminal Code of Serbia prohibits child prostitution, trafficking, and enslavement of children.(15) The Law on the Protection Program for Participants in Criminal Proceedings of 2006 regulates the protection of and assistance to victims of human trafficking, including children.(9)

The Criminal Code provides sentences of at least 5 years in prison for individuals found guilty of trafficking minors.(4, 16) The Law on Foreigners allows victims of human trafficking to obtain temporary visas.(17) The Government has also established the Law on Social Welfare that defines trafficking victims as a new category of beneficiaries.(16)

The Criminal Code prohibits using children to make pornography.(15) When this crime involves children under 14, the penalties are 1 to 8 years in prison; penalties for using children older than age 14 to make pornographic materials range from 6 months to 5 years.(14) This minimum penalty of 6 months for using older children to create pornography is insufficient for such a serious crime.

Article 247 of the Criminal Code prohibits giving drugs to minors for their own or another's use.(5) However, the Criminal Code does not specifically prohibit the use, procurement, or offering of a child for the production and trafficking of drugs and other illicit activities.(5)

In 2011, the Government adopted a new Law on Temporary and Permanent Residence with the aim to provide more stable solutions for displaced persons and others who are especially vulnerable to trafficking.(7) During the reporting period, the Government adopted Amendments to the Law on Probate Proceedings that enabled 6,500 undocumented individuals, a majority of whom were Roma and displaced persons, to obtain personal documents and thereby more easily access social services.(7)

The Law on Military, Labor and Material Duty stipulates that individuals under age 18 will not be subject to compulsory military service.(18)

Article 71 of the Constitution specifies that primary education is free and compulsory. Compulsory education is mandated through age 15.(13, 19) However, economic hardship and ethnic discrimination often discourage minority groups, especially Romani children, to attend the school.(8)

Institutional Mechanisms for Coordination and Enforcement

Although the Government of Serbia has established the National Anti-Trafficking Office, research found no evidence of a coordinating mechanism to combat other worst forms of child labor.

The National Coordinator for Combating Trafficking in Persons leads a team to address trafficking, which consists of representatives of multiple ministries, including the Council for Children's Rights, Center for Human Trafficking Victims' Protection, the Supreme Court, NGOs, and some international organizations.(16) Currently, there is no National Coordinator, as the National Coordinator position is not funded as a full-time position. However, the Office fulfills the functions of the Coordinator.(10)

A newly created Parliamentary Committee on Children has the responsibility to review all draft legislation in terms of children's rights to ensure that such legislation is aligned with international norms and standards and internal Serbian laws. In addition, the Office monitors the implementation of the child-related provisions of all laws pertaining to children.(6, 10)

In 2012, the Serbian Labor Inspectorate employed 259 labor inspectors. These inspectors lacked necessary equipment, such as computers and vehicles, to facilitate proper coverage of rural areas.(10) In the first 10 months of the reporting period, the labor inspectors completed 13,722 inspections relating to safety and health. There were no cases of child labor found in the formal sector.(6)

The Ministry of Interior and the State Prosecutor's Office enforce laws against commercial sexual exploitation.(20) Every police directorate continues to have anti-trafficking units and some have cross-sectional teams of police, prosecutors, social workers and health workers.(7) Additionally, the Service for Fighting Organized Crime has an anti-trafficking department and works with regional police administrations to share information regarding instances of child trafficking.(9) The Government along with NGOs and international organizations continued to provide training to a variety of government officials on how to recognize, investigate and prosecute trafficking, as well as how to provide proper assistance to victims.(7)

The Ministries of Labor and Social Issues, Internal Affairs, Justice and Education, including the Office of the National Coordinator to Combat Trafficking are responsible for different aspects of combating trafficking in persons, including children.(21) The Center for Human Trafficking Victims' Protection (Center) that has been based in the Ministry for Labor and Social Policy acted as an independent agency in 2012, as mandated in the social welfare law that was passed in March 2011.(6, 16) During the reporting period, the Agency identified and rescued 33 child victims and potential victims of trafficking. More than half of the children were trafficked for either sexual exploitation or forced begging, while the remainder of the children were trafficked for labor, criminal acts, or forced marriages.(10) The National Coordinator for Combating Trafficking in Persons reported that 68 criminal charges were filed for these activities.(7) However, this statistic includes trafficking crimes involving adults as well as children.

Government Policies on the Worst Forms of Child Labor

The Government continued to implement policies that focus on social protection for Roma children, including the 2005-2015 Decade of Roma Inclusion.(6) The aim of this initiative is to improve Roma status in the areas of housing, education, employment and health as well as to include representatives of Roma communities in the process of policy implementation.(22) In contrast, however, government authorities continued to forcibly evict Roma families from their homes or settlements for redevelopment projects without providing alternative housing, leaving some Roma families homeless.(23-26) This situation increases the vulnerability of children in such families to involvement in the worst forms of child labor.

In 2010, the Ministry of Internal Affairs helped launch a program for Serbia through the United Nations Global

Initiative to Fight Human Trafficking. Within this program, the Government drafted a new National Action Plan covering the period 2013-2018.(6) In 2012, the Ministry of Justice adopted the "Special Protocol on the Treatment of Trafficking Victims by Judicial Authorities," with the aim of providing judicial officials clear guidance to facilitate adequate treatment of trafficking victims.(3)

In 2012, there were no reports of victims detained, jailed and prosecuted for acts committed as a direct result of their being trafficked.(7)

A strategic document entitled "General Protocol on Child Protection from Abuse and Neglect" that was adopted under the National Plan of Action for Children of 2005 defines the general policy for children for the period until 2015.(14) Two additional protocols are also in place that focus on child protection against commercial sexual exploitation; the Special Protocol on Behavior of Law Enforcement Officers in Protecting Juvenile Persons from Abuse and Neglect, and the Special Protocol on Protection of Children Accommodated in Social Care Institutions.(14)

The impact of these policies on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2012, the Office for Human and Minorities Rights announced a public call for project proposals with the aim to improve the position of Roma in Serbia, including the improvement of the Decade of Roma Inclusion.(6) However, proposed programs are not required to directly address the social inclusion of Roma children and address the problem of forced begging.(7) In addition, undocumented families, particularly Roma families, continue to be deprived of social benefits that are only granted to citizens.(27)

The Government continued implementing the Child Allowance Program, which provides cash benefits to poor families conditional on school enrollment for children age 7 or older.(6, 28) However, the amount of overall social spending on poor families appears to be low, with spending representing approximately 0.3 percent of GDP.(28, 29) A Ministry of Education project, Assistance to Roma Children in Education, seeks to encourage regular attendance of Roma children in school and provide training to help them learn the Serbian language to better integrate into the school environment.(9) Research found no information assessing the impact these education programs have had on the worst forms of child labor.

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The National Coordinator's Office continued to maintain an anti-trafficking Website and, together with the Ministry of Interior, it publicizes Serbia's anti- trafficking hotline.(6, 16)

The Government committed to anti-trafficking efforts, especially to victim protection, by increasing the regular state budget for trafficking in persons and also included funding for the Center in its 2013 budget.(7) In addition, the Government provides free access to social and medical care for foreign and domestic trafficking victims, and provides them with witness and victim protection services.(7, 16, 30)

In 2012 under the Law on Social Welfare, the Ministry of Labor, Employment and Social Policy continued to provide a range of social services, including assistance to trafficking victims.(7) Domestic and foreign victims of trafficking receive psychological, medical, legal and other services. Although there are currently no specialized shelters devoted to trafficked children, children who are victims of trafficking are accommodated in Government-run centers for children without parental care or an NGO-managed shelter for women until foster care or other services can be arranged.(7)

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Serbia:

| Area | Suggested Actions | Year(s) Action Recommended |
|------------------------------|--|----------------------------|
| Laws and Regulations | Enact a list of hazardous activities and occupations prohibited for children. | 2009, 2010, 2011, 2012 |
| | Enact a law that prohibits the use, procuring, or offering of a minor under age 18 for the production and trafficking of drugs and other illicit activities. | 2009, 2010, 2011, 2012 |
| | Amend the Criminal Code to stipulate a minimum punishment for the use of children over age 14 in the production of pornographic materials of no less than one year. | 2011, 2012 |
| Coordination and Enforcement | Provide inspectors with the necessary tools and equipment to conduct thorough investigations on child labor related laws, especially in rural areas. | 2010, 2011, 2012 |
| Policies | Implement commitments of the Decade of Roma Inclusion by providing for basic needs, such as adequate housing for Roma families that face evictions. | 2011, 2012 |
| | Conduct research on whether children are engaged in dangerous work on the street in order to inform policy and program design | 2012 |
| Social Programs | Engage Roma in the implementation process of the Decade of Roma Inclusion and address the problem of children in forced begging and working on the street. | 2012 |
| | Improve the methods of educating and guiding eligible families in need about the requirements for proper registration and documentation in order to receive social assistance. | 2011, 2012 |
| | Conduct research on the impact existing education programs may have on addressing the worst forms of child labor, especially for Roma children. | 2010, 2011, 2012 |

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