**Responses of the Republic of Serbia to the Questionnaire of the UN Special Rapporteur on the Sale and Sexual Exploitation of Children, including child prostitution, child pornography and any other child sexual abuse material**

The Constitution of the Republic of Serbia (Article 26) explicitly prohibits slavery or servitude, i.e., any form of trafficking in human beings and forced labour is prohibited.

The Republic of Serbia, as a member of the Convention on the Rights of the Child and two optional protocols (Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and Optional Protocol on the Participation of Children in Armed Conflict) apply measures to prevent violence against children and protect children from all forms of violence in the family, establishments, institutions and the wider social environment.

Serbia also implements the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ("Lanzarote Convention"). In accordance with Article 37 of the Lanzarote Convention, the *Law on the National DNA Registry[[1]](#footnote-1)* was adopted. The provisions of the Law stipulate that within the database of DNA profiles determined from undisputed biological samples, there is also a collection of DNA profiles of persons convicted of criminal offenses determined by the law which regulates special measures to prevent committing criminal offenses against sexual freedom against minors.

*The Law on Amendments to the Criminal Code[[2]](#footnote-2)*, which entered into force on December 1, 2019, improved the legislative framework, making the possible penalties for certain criminal offenses more severe and specifying certain provisions of some criminal offenses. From the aspect of information relevant for this report, paragraph 5 has been included in the previous Article 46 of the Criminal Code, which states that the court may not conditionally release, *inter alia*, a person convicted of the crime of rape (Article 178, paragraph 4), copulation with a helpless person (Article 179, paragraph 3), copulation with a child (Article 180, paragraph 3) and sexual intercourse through abuse of position (Article 181, paragraph 5).

Also, with these amendments regarding the mentioned criminal offenses, in addition to the hitherto envisaged imprisonment of at least ten years of imprisonment, alternatively, the punishment of life imprisonment is also envisaged. In this way, under the threat of stricter punishment of the perpetrator, children as the most vulnerable category of the population were provided with additional protection.

Amendments to the Criminal Code,[[3]](#footnote-3) which came into force on June 1, 2017, introduced the criminal offense of forced marriage under Article 187a of the Criminal Code. By incriminating this action, the so-called early marriages, i.e., children and minors are prevented from entering into a marriage before reaching the age of maturity, because they are considered to be a form of coercion over children, and thus it is impossible to commit other criminal acts (e.g. solicitation for sexual intercourse and making possible the performance of sexual intercourse under Article 183 of the Criminal Code, mediation in prostitution under Article 184 of the Criminal Code, exhibition, procurement and possession of pornographic materials and exploiting juveniles for pornography under Article 185 of the Criminal Code, incitement of minors to attend sexual acts under Article 185a of the Criminal Code, trafficking in human beings Article 388 of the Criminal Code), which are the criminal offenses that often arise and are a consequence of early and forced marriages entered by minors, i.e., marriages which they are forced to enter.

Additional protection for children is ensured by the *Law on Prevention of Domestic Violence[[4]](#footnote-4)*, which came into force on July 1, 2017, and which provides specific measures to improve the protection and support of victims of domestic violence, as well as mandatory cooperation of state bodies and institutions in criminal proceedings for certain offenses. Among the exhaustively listed criminal offenses, there are also listed criminal offenses in which children and juveniles often appear as passive subjects. Bearing in mind that certain criminal offenses constitute criminal offenses within the jurisdiction of a higher court, before which a public prosecution is represented by a higher public prosecutor's office, Article 26, paragraph 4 of the Law on Prevention of Domestic Violence stipulates that “if the higher public prosecutor's office is competent for prosecution of the of perpetrators of criminal offenses defined by this law, the senior public prosecutor shall appoint his deputy, who has completed specialized training, to participate in the work of the group and chair it."

Given that these criminal offenses are complex, it is necessary to see the bigger picture, which is why the mentioned law in Articles 25 and 26 envisages mandatory multisectoral cooperation, which is reflected in the work of the coordination and cooperation group. To that end, a Working Group for Coordination and Cooperation was formed. In cases of a criminal offense within the jurisdiction of a higher court, the group consists of a deputy senior public prosecutor, who also chairs the group, a representative of the police administration and a representative of the centre for social work. If necessary, the work of this group includes a representative of a health and educational institutions, as well as representatives of civil society organizations that provide support to children. The group keeps minutes of the meeting and develops an individual plan of protection and support in terms of Article 31, paragraph 1 of the Law on Prevention of Domestic Violence, which in the case of these crimes refers to the victim, but also to the family members of the victim who are in need of support.

In this way, conditions have been made to approach the mentioned criminal offenses in a multisectoral manner in order to collect evidence for conducting criminal proceedings, but also to provide protection and support to children, as well as family members who need such support and protection.

Also, the mentioned law envisages the imposition of urgent protection measures in order to prevent domestic violence, and thus many other crimes to which children are exposed, i.e., which are to some extent a consequence of violence to which children are exposed in their families.

In accordance with the Law on Prevention of Domestic Violence, in the period from January 1, 2020 to December 31, 2020, the courts in the Republic of Serbia in 1,179 cases extended emergency measures for 30 days (upon the proposal of the public prosecutor) against adult reported persons, in order to protect minors from the immediate danger of domestic violence or violence of lower intensity.

*Strategy for Prevention and Suppression of Trafficking in Human Beings, especially Women and Children and Protection of Victims 2017-2022[[5]](#footnote-5),* pays special attention to children who are subject to trafficking in human beings. The accompanying action plan prescribes special activities in order to analyse the phenomenon of trafficking in human beings, as well as the protection of children, from keeping special statistics in cases of committing the crime of "Trafficking in human beings" involving children, creating preventive participatory programs involving children from endangered social groups, to scientific research, school programmes related to non-discrimination based on gender etc.

In May 2020, the Government of the Republic of Serbia adopted *the Strategy for the Prevention and Protection of Children from Violence for the period from 2020 to 2023*, *with the accompanying Action Plan for 2020 and 2021*. The issue of child prostitution, pornography, sexual exploitation of children is also the topic of this strategic document.

In the function of protecting persons under the age of 18 from sexual exploitation and abuse, the *National Strategy for Youth with the Action Plan for the period from 2015 to 2025[[6]](#footnote-6)* is also applied; as well as the *Strategy for the fight against high-tech crime with the Action Plan 2019 to 2023*[[7]](#footnote-7)*.* Strategy for the Prevention and Combating of Gender-Based Violence against Women and Domestic Violence for the period 2021-2025 is being drafted as well as the action plan.

In the fight against trafficking in human beings, the Public Prosecutor's Office is undertaking activities aimed at improving the efficiency of criminal prosecution and protection of the victims of these and all other crimes. To this end, in all higher public prosecutor's offices in the Republic of Serbia, prosecutors as contact points for human trafficking have been appointed, who are specially trained in this area, who act and coordinate work in cases of human trafficking, the information and support services for victims and witnesses have been established, and as a result of cooperation with the non-governmental sector, memoranda of cooperation were signed with civil society organizations ASTRA and ATHENS.

In order to implement the planned activities, the Public Prosecutor's Office, in cooperation with the Judicial Academy, foreign partners and NGOs, organizes and conducts training of public prosecutors, especially prosecutors who are contact points for human trafficking cases, cooperates at the strategic and operational level with the Ministry of Interior and the Centre for protection of victims of trafficking, as well as civil society organizations.

The Republic Institute for Social Protection has accredited several training programmes that focus on the neglect and abuse of children, and are intended for professionals in centres for social work.

In the practice of the Centre for the Protection of Victims of Trafficking in Human Beings, the psychoeducation of parents and children, as well as informing the community, are represented in the work on specific cases. Within the work with children who have already been registered, the basis of the treatment is aimed at strengthening personal resilience for self-protection, and when it comes to families on psychoeducation and information.

In cooperation with the Ministry of Interior and the Serbian Red Cross, the *"Anti-Trafficking Programme"* was implemented, during which, in the period from 2019 to 2020, a network of peer educators and trainers held 1,695 information workshops in cities and municipalities across the Republic of Serbia, covering 63,770 children, 41,677 primary school students, 21,655 secondary school students and 438 children without parental care, who received a preventive message on how to recognize the risks of human trafficking. Also, during the recovery programme of children from socially vulnerable families in eight shifts of the Red Cross Summer School organized in the Serbian Red Cross facility in Baošići (Montenegro), 500 children aged 7 to 14 attended ten-day workshops and received a preventive message in order to raise the awareness of the need for protection against human trafficking.

In order to identify the needs for protection of vulnerable children, in order to protect children from all forms of sale and sexual exploitation, we work on involving children in all processes, sensitizing and informing children, families and communities, more precisely definition of provisions in legislation, support activities of local communities, improve the competencies of employees in all systems, joint work of system institutions and NGOs, improvement of the early warning system and early child protection.

In order to combat serious and organized crime, the Ministry of Interior, in cooperation with state bodies and institutions, academia, business companies and civil society organizations, developed a national Serious and Organised Crime Threat Assessment - SOCTA (2019), which, inter alia, covers the area of ​​trafficking in human beings, including trafficking in minors.

According to this assessment, the Republic of Serbia is dominated by internal trafficking in human beings, whose victims are mostly Serbian residents (93%) exposed to various types of exploitation, among which sexual and labour exploitation and exploitation by forced begging and crime predominate. Multiple exploitation (dominated by sexual) and forced marriage - as an introduction to other forms of exploitation, are dominant in cases where the victims of trafficking are minors.

According to the data of the Centre for the Protection of Victims of Trafficking in Human Beings, in 2017 and 2018, a total of 119 victims of trafficking were identified, of which 111 were citizens of Serbia (93%). Of the total number of these victims, 53 victims were persons under the age of 18 (44.5%), among whom females predominated (96%), which indicates that trafficking in human beings still has a strong gender aspect.

According to SOCTA (2019), victims of trafficking mainly come from urban areas, are unemployed and socially and economically disadvantaged, as well as with low or secondary education. Secondary victimization has been reported in several cases. Particularly vulnerable are members of the Roma population, who are primarily exposed to the risk of sexual exploitation, but also of forced crime, begging and forced marriages. Also, sexual exploitation in the form of prostitution occurs mostly in larger cities through the so-called agency prostitution, and cases of forced prostitution within the immediate family have also been reported. This type of exploitation uses advertising in local, print media, social networks and dedicated websites for escort and/or dating.

The concern is the fact that among the identified victims of human trafficking on an annual basis, children make up an average of 45-50%, and that among them the largest percentage are girls who are primarily exploited through sexual exploitation, forced marriage and forced begging. The low educational and sociocultural milieu of these children's families supports traditional attitudes regarding gender roles, upbringing and self-image and perspectives of children's future, which in this group of vulnerable families supports the sale and sexual exploitation of children.

In the period from January to December 2020, police officers of the Ministry of Interior filed 23 criminal charges for the criminal offense of Trafficking in Human Beings under Article 388 of the Criminal Code of the Republic of Serbia[[8]](#footnote-8), which included 50 perpetrators and 38 victims - victims of trafficking (34 citizens of the Republic of Serbia, 1 citizen of the Republic of Croatia, 1 citizen of the Republic of Northern Macedonia, 1 citizen of Bosnia and Herzegovina and 1 person of unknown citizenship). Out of the total number of victims in 2020, 27 persons are female, 11 male, 13 persons are minors and 25 are adults. Out of the total number of juvenile victims - victims of human trafficking, 9 minors are female and 4 minors are male. According to the type of exploitation, sexual exploitation (18) is dominant, followed by labour exploitation (12), multiple exploitation-coercion, sexual or labour (5), begging (1), coercion to commit criminal acts (2).

In 2019, the Centre for the Protection of Victims of Trafficking in Human Beings formally identified 39 victims of trafficking in human beings, of whom 25 were minors, 19 female and 6 male minors. According to the type of exploitation, sexual exploitation is represented - 15 female minors, multiple exploitation - two female minors and one male minor, forced begging - two male minors and one female minor, forced marriage - one female juvenile, labour exploitation - two male minors and coercion to commit criminal offenses - 1 male minor.

In 2020, the Centre for the Protection of Victims of Trafficking in Human Being formally identified 57 victims of trafficking in human being, 24 minor victims (42%) and 33 adult victims. The largest percentage are women, who make up 65% of the identified victims. The most common type of exploitation is sexual exploitation - 37%, followed by labour (21%) and multiple (16%) exploitation. That is, 15 children (nine girls and six boys - all minors at the time of exploitation) were exploited in the form of sexual exploitation and multiple exploitation, which includes sexual exploitation. Forced marriage was identified for six girls. This year, one girl was identified as a victim of sexual exploitation and one girl who was in a forced marriage.

When it comes to the sexual exploitation of boys, the data on this phenomenon are minimal, difficult to detect and process. In 2020, there were seven cases where boys were identified as victims of human trafficking for the purpose of sexual exploitation and child pornography. The key vulnerability factors for these boys and young men were exclusion from the education system, poverty and inability to get employment.

In the field of criminal protection, criminal offenses against sexual freedom, prescribed in Articles 183-185 of the Criminal Code, do not use gender or gender identity as a being, i.e., characteristics of a criminal offense, but in the case when the victims, i.e., injured parties in the performance of these criminal offenses are children, the term "minors" is stated.

Minors, victims of sexual exploitation and abuse, are treated by police officers of the Ministry of Interior engaged in the suppression of sexual offenses, with certificates guaranteeing that they have acquired special knowledge in the field of child rights and juvenile criminal law in accordance with the procedures of the Special Protocol on Actions of Police Officers in the Protection of Minors from Abuse and Neglect.

A minor, who is a victim of a sexual offense, is given the opportunity to choose independently whether he/she wants to be interviewed by a female police officer. The training of police officers in the field of protection of minors from sexual exploitation and sexual abuse is performed continuously and is an integral part of the training in the field of child rights and criminal protection of minors conducted by the Ministry of Interior in cooperation with the Judicial Academy, in accordance with the Agreement on Cooperation in the Field of Training and Professional Development of Police Officers of the Ministry of Interior for the implementation of the Law on Juvenile Criminal Offenders and Criminal Legal Protection of Juveniles.

In all police administrations and stations in the Republic of Serbia, there are over 2,000 police officers trained in the field of children's rights and juvenile criminal law, and the same number of police officers trained for the prevention and suppression of domestic violence, who are available 24/7. In average, there are 350 police officers (so-called "school police officers") who are engaged annually in about 680 primary and secondary schools to improve the security protection of students and schools in the territory of the Republic of Serbia.

Implementation of integrated intersectoral cooperation in the process of protection of children from violence (including sexual violence and exploitation) is regulated by the General Protocol for the Protection of Children from Abuse and Neglect, as well as by special protocols of the systems of social protection, labour, education, health care, police and justice. The general protocol defines the role of the centre for social work as a coordinator in the community for the protection of children from abuse, neglect of exploitation and violence.

In order to consistently implement the General Protocol in practice, 34 intersectoral teams have been established so far to protect children from abuse and neglect in cities and municipalities in the Republic of Serbia, in whose work the Police is participating in addition to the representatives of social protection, healthcare, education and justice. The role of the team coordinator is performed by the Centre for Social Work, which is a key service in the community responsible for the care of families and children.

Since 2019, the Ministry of Interior has strengthened the existing and established new organizational structures that are, among other things, important for working with children and youth, in terms of protection against sexual violence, such as the Office for Coordination of Activities in Combating Trafficking in Human Beings, Department for the Suppression of Trafficking in Human Beings and Smuggling of Persons, and the Department for the Suppression of Illicit and Harmful Content on the Internet in the Criminal Police Directorate, while the Police Department for the Community Police Affairs introduced a work position for a police officer in charge of community, and a Police Information Centre was opened in Belgrade.

The Department for the Suppression of Illicit and Harmful Content on the Internet, in cooperation with the Higher Public Prosecutor's Office in Belgrade, Special Department for the Fight against High-Tech Crime, has been conducting a permanent operational action to combat the exploitation of minors for pornographic purposes via the Internet since 2010 named “Armageddon”, under which 312 criminal charges have been filed so far against a total of 274 persons for committing the criminal offense of Exhibition, Procurement and Possession of Pornographic Material and Exploiting Juveniles for Pornography under Article 185 of the Criminal Code. In some cases, in addition to the mentioned criminal offense, criminal charges were filed against persons for several criminal offense, i.e., Abuse of Computer Network or other Technical Communication Means for Committing Criminal Offenses against Sexual Freedom of Juveniles, referred to in Articles 182, 182a 185b of the Criminal Code.

The analysis of statistical data shows that year by year there is a noticeable trend of increasing the number of reports of citizens, parents of injured minors, which results in an increase in the number of filed criminal charges against perpetrators of these crimes, but what should be emphasized here is the structure of crimes and the number of crimes committed against sexual freedom to the detriment of minors, which is seriously increasing with years. In 2020, 48 criminal charges were filed against 35 persons for committing 75 criminal offenses, mostly against sexual freedom committed to the detriment of minors, while in 2021, 18 criminal charges were filed against 14 persons for committing 29 criminal offenses.

In most cases, the victims of the above-mentioned criminal offenses were female minors aged 11 to 14, while in a smaller number of cases, male minors of the same age were represented. There are no rules or existing social norms of behaviour that contribute to the sexual exploitation of children via the Internet, since most children have access to smartphones, social networks and mobile apps through which they communicate with perpetrators of these crimes and following the usual behaviour of their peers, they communicate with a number of unknown users.

One of the ways to reduce the number of victims, but also to encourage those who are victims of sexual exploitation on the Internet to report it, is to continuously raise public awareness, through media campaigns intended primarily for children and parents, as well as lectures in schools for older primary school students who are the most vulnerable category.

In accordance with the Protocol on Cooperation between the Ministry of Interior and the Ministry of Education, Science and Technological Development, the "*Fundamentals of Child Safety*" Programme was implemented, which intention is to educate students about security risks and threats to which they are exposed, prevention methods and security skills with the aim of developing their security culture. Classes within the mentioned programme have been realized since 2017 by trained police officers, members of fire and rescue units and retired police officers on a total of eight security topics, and they give lectures to all fourth and sixth grade students in primary schools in the Republic of Serbia.

During the school year 2017/2018, in 1,226 primary schools in the territory of the Republic of Serbia, members of the Ministry of Interior held 5,038 lectures on the topic of *Prevention and Protection of Children from Trafficking in Human Beings*, which were attended by about 95,000 children, fourth and sixth grade students. During the school year 2018/2019, a total of 6,745 lectures were held, which were attended by 112,017 fourth and sixth grade students. In addition, the electronic application "*Fundamentals of Child Safety*" for mobile phones intended for children, parents, teachers and professionals was developed and presented. Also, 50,000 *manuals "Fundamentals of Child Safety"* were printed, and then distributed to children and educators.

For the needs of e-teaching, due to the declared pandemic of the disease COVID-19 within the Programme *"Fundamentals of Child Safety",* a video was recorded on the topic of the fight against human trafficking, which is broadcast on the TV channel RTS-3 and RTS-Planeta.

1. “Official Gazette of RS”, no. 24/18 [↑](#footnote-ref-1)
2. “Official Gazette of RS”, no. 35/19 [↑](#footnote-ref-2)
3. “Official Gazette of RS”, no.94/16 [↑](#footnote-ref-3)
4. “Official Gazette of RS”, number 94/16 [↑](#footnote-ref-4)
5. “Official Gazette of RS “, number 77/17 [↑](#footnote-ref-5)
6. “Official Gazette of RS”, number 22/15 [↑](#footnote-ref-6)
7. “Official Gazette of RS”, number 71/18 [↑](#footnote-ref-7)
8. “Official Gazette of RS”, no. 85/05, 88/05 – corr., 107/05 – corr., 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 and 35/19 [↑](#footnote-ref-8)