



Global Monitoring



Report on the
status of action against commercial
sexual exploitation of children

SERBIA



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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

ASTRA: Anti-Sex Trafficking Action

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CBO: Community-based organisation

CIS: Commonwealth of Independent States

CIVPOL: Civilian police

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

CSW: Centres for Social Welfare

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

EU: European Union

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ICMPD: International Centre for Migration Policy Development
ICT: Information and communication technologies
ILO: International Labour Organization
ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour
INGO: International non-governmental organization
INHOPE: International Association of Internet Hotlines
IOM: International Organization for Migration
IRC: Internet relay chat
ISP: Internet service provider
IT: Information technology
KFOR: German Kosovo Force
KPS: Kosovo Police Service
MoU: Memorandum of Understanding
NGO: Non-governmental organization
NPA: National Plan of Action
OSCE: Organisation on Security and Cooperation in Europe
ODHIR: Office for Democratic Institutions and Human Rights
SPA: Plan of Action for Children
SRSG: Special Representative of the United Nations Secretary General
STIs: Sexually transmitted infections
TPIU: Trafficking and Prostitution Investigation
UN: United Nations
UNDP: United Nations Development Programme
UNICEF: United Nations Children's Fund
UNMIK: United Nations Interim Administration Mission in Kosovo
WHO: World Health Organization
WTO: World Tourism Organization

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

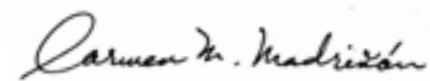
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madrián
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information

was not consistently available, the reports would focus only on those areas of the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These

consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



SERBIA

(ECPAT International has not been able to supplement or validate the information on the UN Administered Province of Kosovo with local groups, therefore the relevant sections on Kosovo in this report are based on desk research only)

The Republic of Serbia was officially created in February 2003, when the Federal Republic of Yugoslavia was transformed into a loose federation of two republics, Serbia and Montenegro. In June 2006, Montenegro finally declared independence from Serbia. The Special Representative of the United Nations Secretary-General (SRSG) however retains executive powers over law enforcement, refugees and defence and security in the province of Kosovo within the Republic of Serbia. An international police force (the UN Interim Administration Mission in Kosovo - UNMIK- and the civilian police, CIVPOL) carries out law enforcement functions in conjunction with the Kosovo Police Service (KPS).¹

The trafficking of children within, into and out of Serbia and Kosovo, as well as child prostitution, have been the major manifestations of the commercial sexual exploitation of children (CSEC) in the Republic. The problem has reached alarming proportions in the UN Administered Province of Kosovo, aggravated by the total lack of initiatives to protect children, which demands particular and urgent attention.² While the province has been identified as a destination and to some extent a transit point for trafficking in women and girls, there is also growing evidence of internal trafficking of women and girls from Serbia into Kosovo.³ Political and military instability, the presence of the international community (including the peacekeeping forces), deficient legislation and corruption at local authority level, have turned the countries of the former Yugoslavia into a very attractive destination for trafficking women and girls into the sex industry. Hence, combating CSEC in Serbia is focused mainly on anti-trafficking activities.⁴

Until at least 2003, UNMIK police and peacekeepers were alleged to have been involved in the trafficking of women and girls for sexual purposes and in sexually victimising girls in Kosovo.⁵ In a documentary shown on German television in December 2002,⁶ a member of the German Kosovo Force (KFOR), who had been stationed in Macedonia, provided credible evidence that members of German KFOR were using the services of trafficked women – and children.⁷ Although both local and foreign men take advantage of prostitution in Kosovo, it

is clear that prostitution grew initially out of post-conflict militarisation and the presence of a highly-paid international military and civilian community. It seems, therefore, that the UN administration in Kosovo has allowed the development of a flourishing 'industry' dependent on the exploitation of trafficked women. There are concerns that UNMIK failed to prosecute international personnel suspected of involvement in trafficking, or of knowingly exploiting trafficked women and girls, which has created a climate of impunity in relation to abuse of and violations against trafficked victims.⁸

Roma children and street children are an extremely vulnerable group, and anecdotes of prostitution of Roma children around train and bus stations are common. These children are at high risk of being trafficked in Serbia in particular,⁹ and there were reports in 2002 of Roma children from the former Yugoslavia being sold in Italy for the sex industry.¹⁰ Furthermore, within the local Roma population there is the tradition of arranged marriage,¹¹ which can be considered a form of CSEC. Generally, arranged marriages are formally negotiated around a 'bride price', which amounts to an economic exchange between the families, giving the spouse access to sexual relations with a child bride, as this is considered as one of the spouse's legitimate rights sanctioned by a traditional marriage.

There is no definitive information available on the production of child pornography in the Republic, but it is known that the distribution and viewing of pornographic materials involving children, as well as the potential risks for children when using the Internet are not being addressed.¹²

Overall, sexual exploitation and domestic violence have remained widespread since the finalisation of the new republic.¹³

Serbia has not adopted the *Stockholm Declaration and Agenda for Action*. Because of the political situation at the time, the Federal Republic of Yugoslavia did not attend the First World Congress against CSEC in 1996. However, the Federal Republic of Yugoslavia participated in the Second World Congress in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

Beo Support, the ECPAT affiliate in Serbia, is currently lobbying the Serbian parliament to develop a national plan of action against sexual exploitation of children.¹⁴ Consensus is gradually

developing regarding the main elements and measures that should be addressed by the plan, particularly in terms of strengthening legislation and tackling the demand for commercial sex with children.

Despite the extremely serious situation in the province, Kosovo has not yet developed a plan of action to specifically address the sexual exploitation of children.

In Serbia, an *NPA against Human Trafficking* was drafted by an internal sub-group of the National Team for Combating Trafficking in Human Beings,¹⁵ however, it does not address child trafficking adequately. In addition, the Council for Child Rights (the Government of Serbia's advisory body) drafted the *Plan of Action for Children* (SPA), covering the period 2004–2015.¹⁶ Similarly, this Plan has a very limited focus on CSEC, and its implementation has been hindered by political instability and lack of state funding.¹⁷

In the UN administered province of Kosovo, a *Gender Action Plan* was approved in April 2004 as a framework for the implementation of a five-year strategy for gender equality. The Plan addresses human rights and violence against women and children as well as the prevention of human trafficking,¹⁸ but has no specific provisions on CSEC.

In May 2005, the *Kosovo Action Plan against trafficking in human beings* was adopted, with measures in the areas of prevention, protection, assistance of victims and prosecution of traffickers.¹⁹ Although the Plan has taken into account the 'UNICEF/Stability Pact Guidelines for the Protection of the Rights of Children Victims of Trafficking', no separate Standard Operating Procedure has been created for use in cases of trafficking in children, and no consideration has been given to the special needs of children.

COORDINATION AND COOPERATION

Local and National Level

Due in great part to lack of coordination, many good local policies and initiatives do not progress beyond the initial decision-making level in Serbia, and suffer from a lack of follow up and operationalisation.

According to information collected by ECPAT International, coordination and cooperation efforts to protect children are virtually non-existent in Kosovo, despite the appalling child rights situation in the province.

A National Team – comprising representatives of government institutions, non-governmental organizations (NGOs) and international organizations (IOs) – has been formed to develop mechanisms to suppress human trafficking.²⁰ A sub-group to combat trafficking in children was set up under the National Team. The Serbian National Team for Combating Trafficking in Human Beings includes representatives of various ministries, the Supreme Court, the Republican Public Prosecutor's Office, Special Police Teams, the International Organization for Migration (IOM), Organization for Security and Cooperation in Europe (OSCE), NGOs such as the Anti-Sex Trafficking Action (ASTRA) project, Save the Children UK, Beo Support and Counselling against Family Violence. Beo Support is the appointed leader of its sub-group to combat trafficking; Beo Support, the Child Rights Centre, ASTRA and UNICEF have coordinated production of the draft of the *NPA against Human Trafficking*.²¹

The National Team for Combating Trafficking in Human Beings

The National Team gives special attention to awareness raising among potential target groups (youth between 12 and 24 years of age, the Roma population, sex workers, children without parental care, etc).²² In addition, the National Team promoted cooperation between governmental bodies, NGOs and INGOs, and has considerably improved the system for identification of victims and referral practices (as related to women and children trafficked for the purpose of sexual exploitation). A major achievement in this regard was the creation of a Referral and Counselling Centre in 2002.²³

Moreover, in cooperation with the OSCE Mission, the National Team established a Mobile Team responsible for the identification, needs assessment and referral of trafficked children. The Mobile Team consists of one governmental representative and representatives of two NGOs (ASTRA and the Counseling Centre against Family Violence),²⁴ and targets children of foreign nationality trafficked to Serbia for sexual exploitation and Serbian children trafficked into the European Union (EU) for sexual exploitation.²⁵

In 2004 another governmental body was formed to deal with the issue of trafficking – the Council to Combat Trafficking in Human Beings – comprising the Ministers of the Interior, Education and Sports, Finance, Labour, Employment and Social Policy, Health and Justice. There have been great hopes that this new body will provide official support to the

implementation of the action plan drafted by the National Team, once it is adopted.²⁶

UNMIK (Kosovo) has negotiated police cooperation agreements with all its neighbours, which serve as the framework for cooperation on border/boundary security issues and cross-border crimes, including trafficking and organised crime. In May 2002, a *Protocol on Police Cooperation* establishing the Joint Committee on Police Cooperation at the strategic level was signed with Serbia. The *Police Cooperation Agreement* with Albania (September 2002) ensures regular liaison and collaboration on investigations into human and drug trafficking. Similar agreements were signed with the Former Yugoslav Republic of Macedonia (November 2002) and Montenegro (October 2003).²⁷

Trafficked children are systematically tortured in Kosovo

According to an OSCE report on Kosovo, trafficked women and girls are systematically subjected to torture, including rape and other forms of cruel, inhuman and degrading treatment. “When they reach Kosovo, they are beaten and they are raped – by clients, by ‘owners’ and by other staff. Many are virtually imprisoned, locked into an apartment, room or cellar. Some become slaves and are forced to work in bars and cafés during the day and locked in a room to service ten to fifteen clients a night, by the man they refer to as their ‘owner’. If they are sick, they may be denied access to health care. They have no legal status and are denied their basic rights. Some of them are girls as young as 12 years old.”²⁸

Regional and International Level

Cooperation between countries in the region has been strengthened in the past few years. Local NGOs, in particular, are trying to establish partnerships and exchange information and expertise with groups from other countries in the region. Efforts to comply with the *Trafficking Protocol* have helped to foster cooperation against human/child trafficking.

Numerous projects confirm this, such as the ICMPD Project (‘Enhance the Implementation Strategies for National Anti-Trafficking Action Plans’), which included a seminar for representatives of institutions that participate in anti-trafficking working groups. Also, Beo Support, the Centre for Child’s Rights and the Christian Children’s Fund conducted a small number of training courses for Moldavian NGOs in Kishinov (Moldavia), on the themes of prevention of trafficking in human beings and peer education for young NGO activists.²⁹

PREVENTION

Prevention initiatives in Serbia have consisted mainly of awareness raising campaigns, with particular emphasis on school discussions and educational courses, and with a particular focus on child trafficking. There is an active youth network in Serbia that conducts advocacy campaigns and other activities to combat CSEC, especially with regard to trafficking that is based on a peer-to-peer approach.³⁰

In Kosovo, prevention of CSEC has taken place mainly in the form of measures taken by the UN in recent years to address the problem of UN personnel and peacekeepers sexually exploiting minor children while on missions. In addition, Save the Children UK undertakes prevention work and awareness raising on child trafficking. It successfully lobbied for the issue of trafficking to be addressed in secondary schools, and subsequently trained 200 civic education teachers in trafficking prevention. Through education and poster campaigns, Save the Children UK has raised awareness on child trafficking among 10,000 young people in Gjakova, Podujeva and Skenderaj.³¹

Between 2000 and 2005, young activists, in partnership with Beo Support and Save the Children Norway, conducted the 'Speak Out Loud about Sexual Exploitation of Children' campaign, calling for the development of an NPA against the sexual exploitation of children and youth. They delivered a petition with 30,000 signatures to the President of the Parliament of Serbia, who made a public commitment to follow through their appeal.³² Two-hundred school discussions were subsequently held in 12 towns and youth peer-education training was also conducted. The campaign is ongoing.

Beo Support also conducted an anti-trafficking campaign, 'Beware', in 2004/2005, funded by IOM. The campaign utilised the press, TV and radio stations as well as major local events in 24 towns in Serbia, and was highly successful in raising awareness of the problem among youth, particularly girls.³³

The NGO ASTRA conducted public awareness campaigns on human trafficking between 2003 and 2005.³⁴ In cooperation with Save the Children UK and other NGOs, 127 workshops were held in primary and secondary schools in nine different locations. ASTRA also runs an SOS hotline, offering assistance to victims of trafficking and their families and friends, as well as information on prevention and the risks of migration.³⁵

In 2005, Save the Children UK initiated a campaign to raise children's awareness of trafficking. The campaign was launched on national television, and was followed by a conference on child trafficking that brought together more than 20 organisations and government departments

to devise strategies to protect vulnerable children.³⁶ The Child Rights Centre, together with support from Save the Children UK, also held seminars on ‘Child Trafficking in Serbia - A Threat and a Reality’ for representatives of local social welfare centres, the media, police, judiciary, NGOs and education and health institutions from the Raski Region.³⁷

‘We Will Always Be There for You’ is another programme aimed to educate young girls at risk of trafficking and is delivered through workshops and the media. Undertaken by the NGO Girl’s Centre Uzice, in southwest Serbia, it also targets teachers, judges, police officers and social workers.³⁸

The Beo Support Youth Offices in Belgrade and Krusevac have been strengthened over the last three years, and 80 young activists have been trained by experts including doctors, psychologists, journalists and lawyers to provide peer education on the prevention of sexual exploitation and trafficking in human beings, especially children.³⁹

The Ministry of the Interior is also conducting preventive work in Belgrade, mainly through joint initiatives with NGOs. The Ministry of Labour, Employment and Social Policy organised education on the issue of trafficking in 46 centres for social work and in 17 centres for children without parental care.⁴⁰ Furthermore, the Ministry of the Interior planned to conduct research on trafficking in children.⁴¹

In 2003, UN Secretary-General Kofi Annan, issued a bulletin entitled *Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, which came into force in October 2003. The bulletin defines sexual exploitation and sexual abuse and clarifies that such acts, particularly when perpetrated against beneficiaries of UN protection or assistance, constitute serious misconduct and are grounds for disciplinary measures, including summary dismissal.⁴² The bulletin specifically states that sexual activity with children under the age of 18 is prohibited, regardless of the local age of majority or the age of consent, and that mistaken belief of the age of a child is not a justification for this behaviour.⁴³

In March 2004, the Department of Peacekeeping issued a policy paper that, in accordance with the UN Secretary-General’s ‘Zero Tolerance’ stance, aimed to “establish a system to monitor, prevent, minimise, investigate and punish involvement of peacekeeping personnel in activities that support human trafficking and other sexual exploitation and abuse”.⁴⁴ The UN also established a *Code of Conduct* that prohibits UN personnel and peacekeepers from engaging in any sexual activity with a child under 18 years of age. Where crimes have been committed, whether by civilians or uniformed personnel, it is incumbent upon Member States to ensure that their nationals are brought to justice.⁴⁵

UN official sentenced to jail for sexually exploiting a child in Kosovo

A Court in Kosovo, presided over by an international judge but also involving two judges from the province, sentenced a UN refugee agency official to three years in prison on one count of sexual abuse of persons under the age of 16 and one count of falsifying official documents.

According to UNMIK, the conviction and sentencing of the offender demonstrates both its zero-tolerance policy on sexual exploitation and abuse and the independence of the judiciary in Kosovo.

All peacekeepers now undergo training on conduct, and agreements with troop-contributing countries are being amended to forbid sexual misconduct. Managers and commanders have been made fully aware of their specific responsibilities, and those who fail to take preventive measures are expected to be dismissed.⁴⁶

PROTECTION

Serbia ratified the *Convention on the Rights of the Child (CRC)* in 2001, the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2002, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* in 2001 and *ILO Convention No. 182* in 2003. Serbia signed both the *Convention on Cyber Crime* and the Council of Europe's *Convention on Action against Trafficking in Human Beings* in 2005, but these have not yet been ratified. All these instruments were signed by Serbia and Montenegro as a single political entity.

The UN administered province of Kosovo, administered by the Special Representative of the United Nations Secretary-General cannot sign or ratify any international or regional instruments as Kosovo is not a sovereign nation but a UN governed region within Serbia.

Legislation

Pursuant to *UNMIK Regulation 2000/59, amending UNMIK Regulation 1999/24 on the Law Applicable in Kosovo*,⁴⁷ the laws applicable in Kosovo include the regulations promulgated by the SRSG along with any international instruments, as well as the law that was in force in Kosovo on 22 March 1989.⁴⁸ If there is a conflict between these laws, the regulations and subsidiary instruments promulgated by the SRSG will take precedence.⁴⁹ In addition, all persons performing public duties or holding public office in Kosovo must observe international human-rights standards as reflected in conventions such as the *CRC*.⁵⁰

Prostitution of Children

The Serbian *Criminal Code* bans several different types of sexual offences, but does not specifically define and prohibit the prostitution of children. Serbian law makes it illegal to facilitate the prostitution of a child, but does not prohibit sexual intercourse with a child for remuneration. Although the *Criminal Code* bans prostitution, since prostitution is not defined it is unclear whether the scope of Serbia's laws is as broad as the standard set out in the *Optional Protocol*. As a result, Serbian law falls short of international standards. As a country that has ratified the *Optional Protocol* to the *CRC*, Serbia should enact a law that specifically defines and prohibits child prostitution in the light of the standards set out in the *Optional Protocol*.

The Serbian *Criminal Code* makes it illegal to cause, induce or hand over another person to be prostituted, as well as to promote or advertise prostitution. Violators may be punished with up to three years' imprisonment or a fine;⁵¹ where the victim is a minor, punishment may be between one and ten years' imprisonment.⁵² The law also bans pimping or procuring a minor for sexual intercourse or other sexual acts. Punishment for pimping may be between three months' and five years' imprisonment,⁵³ while punishment for procuring may be up to three years' imprisonment.⁵⁴

Serbian law further prohibits sexual intercourse or other "equal acts" against a child; violators may be punished with one to ten years' imprisonment.⁵⁵ Punishment is increased to between two and twelve years' imprisonment where the crime results in grievous bodily harm or pregnancy, or if the crime was committed by several persons,⁵⁶ and is further increased to between five and 18 years' imprisonment where the crime results in the child's death.⁵⁷ The law does not punish cases where there is no considerable difference between the offender's and child's mental and physical development.⁵⁸

In addition to crimes specific to minors and children, Serbian law also prohibits rape and sexual intercourse through abuse of authority. The rape law prohibits forcible sexual intercourse, or an equal act, by use of force or threatening a direct attack against a person or third person. If the crime is committed against a juvenile, punishment may be between three and fifteen years' imprisonment,⁵⁹ and if committed against a child, punishment may be between five and eighteen years' imprisonment.⁶⁰ Serbian law also makes it illegal to abuse one's position to induce sexual intercourse or an equal act with a person in a subordinate or dependent position. If this crime is committed against a child, punishment may be between two and twelve years' imprisonment,⁶¹ and if committed against a juvenile entrusted to a teacher, tutor, guardian, adoptive parent, stepfather or other person, punishment may be between one and ten years' imprisonment.⁶²

Trafficking in Children for Sexual Purposes

Serbia's criminal law includes acts outlined in the *Trafficking Protocol* that constitute trafficking. The law appears to meet international standards to protect children against trafficking for sexual purposes.

In January 2001, the SRSG promulgated *UNMIK Regulation 2001/4 on the Prohibition of Trafficking in Persons in Kosovo*.⁶³ This regulation follows the definitions and prohibitions set out in the *Trafficking Protocol*.

Serbian law does not specifically define or prohibit child trafficking, but it has a general law against human trafficking with some provisions specific to children. Under Serbian law, it is illegal to use force, threat, deception, abuse of authority or trust, dependence, a difficult circumstance of another person, retain identity papers, or receive money or other benefit, to recruit, transport, transfer, sell, buy, act as an intermediary in the sale, hiding or holding of a person for purposes of gain or exploitation, such as prostitution, pornography, begging, organ removal or military recruitment. Violators may be punished with two to 12 years' imprisonment.⁶⁴ If the offence involves a minor, the use of force, threats or other means are not necessary to constitute the crime of trafficking under this law, and if this crime is committed against a minor, punishment may be at least three years' imprisonment.⁶⁵

The *Trafficking Protocol* defines trafficking in children as recruiting, transporting, transferring, harbouring or receiving a child for purposes of exploitation, such as prostitution or slavery.⁶⁶ Violators who traffic children may be punished with up to 15 years' imprisonment,⁶⁷ while those who facilitate trafficking may be punished with between six months' and five years' imprisonment.⁶⁸ Using or procuring the sexual services of a child known to have been trafficked is a crime that may be punished with up to ten years' imprisonment.⁶⁹

Child Pornography

Serbian law offers some protection against child pornography, but it needs further strengthening to better protect children. It is unclear whether under Serbian law the definition of "pornographic items" is as broad as that in the *Optional Protocol*; for example, Serbian law does not appear to include simulated explicit sexual activities; nor does Serbian law ban the mere possession of child pornography. Thus, Serbian law should be revised to define and prohibit child pornography more comprehensively.

Under Serbian law, it is illegal to use a child for a pornographic show or to produce photographs, audiovisual or other pornographic images; offenders may be punished with between six months' and five years' imprisonment.⁷⁰ Serbian law further bans selling, showing, publicly exhibiting, or electronically or otherwise making available pictures or audiovisual child pornographic images.⁷¹ It is also illegal to sell, show, publicly display or otherwise make available to a child a pornographic performance, or texts, pictures, audiovisual or other pornographic images; punishment may be up to six months' imprisonment or a fine.⁷²

Extraterritorial Legislation

Serbia's *Criminal Code* provides for jurisdiction over offences committed by Serbian citizens while abroad,⁷³ but prosecution in these cases will occur only if the offence is a crime in the country in which the act took place. However, if the act was not an offence in the country in which it took place, prosecution may take place in Serbia with the permission of the Public Prosecutor.⁷⁴

Child Protection Units

Serbia's *Criminal Procedure Code* contains provisions to assist child victims to testify. Under the law, child witnesses may testify with the assistance of a pedagogue or other professional person,⁷⁵ and a guardian agency may take part in legal proceedings to protect a child's interests.⁷⁶

In November 2000, the Trafficking and Prostitution Investigation Unit (TPIU) was established within the UNMIK police, and comprised five regional units. Since the *Trafficking Regulation* was passed, the TPIU has adopted a number of different strategies to address the issue of trafficking. In relation to ensuring child-friendly procedures and the protection of victim witnesses in Kosovo, Amnesty International reports that efforts have been made but remain completely insufficient.

In early 2001, a system of registering foreign women working in bars and suspected of prostitution was adopted throughout Kosovo to identify both the premises in which women were suspected of working in forced prostitution and the identity of the associated traffickers. However, according to Amnesty International, it seems that rather than removing those suspected of being trafficked, the TPIU has allowed the women (who include girls under 18 who make up between 15 and 20 per cent of those registered) to remain in the bars.⁷⁷ Whenever such women and girls are arrested, they are treated as criminal suspects until they

can prove otherwise. Amnesty International also notes that six years have passed since the *Trafficking Regulation* was promulgated and the draft administrative directive still does not make specific provisions for child victims of trafficking. The *Standard Operating Procedures* for externally trafficked children do not have specific provisions for children or measures to safeguard their best interests, and children undergo the same long, multiple interviews with various TPIU police officers to establish whether or not they have been trafficked,⁷⁸ without the presence of a legal guardian.

Support Services for Children

Although shelters for trafficking victims have been established in Serbia, there are no shelters that provide care for child victims of commercial sexual exploitation in general,⁷⁹ and they receive assistance under the existing child protection services.

A Counselling and Referral Service has been established to coordinate the assistance offered to trafficking victims. It includes a Mobile Team that identifies and refers victims to appropriate support services.⁸⁰ Although the referral system had foreseen a special procedure to assist child victims—by appointing a guardian for child victims, focusing on the child's best interests in determining future actions, etc—such a system is not in place. In most instances, foreign and Serbian minors trafficked into Serbia are housed in shelters alongside adult women and offered the same rehabilitation and reintegration programmes as adults.⁸¹ The absence of a sub-system for referrals, assistance, protection and support for victims who are minors is currently one of the greatest shortcomings of the trafficking referral mechanisms.⁸² Moreover, it appears that there is a lack of standardised risk assessment procedures with regard to the safety of returning trafficked children to their countries of origin.⁸³

In 2004, the Ministry of Interior adopted the *Instruction on Conditions for Obtaining Temporary Residence Permits for Foreign Citizens*, allowing trafficked persons in need of

protection and assistance – including children – to stay in the country for a reflection period of three months and to access appropriate support services during the recovery and repatriation period.⁸⁴

In Kosovo, responsibility for the protection of all children lies with the Ministry of Labour and Social Welfare and is provided through municipal Centres for Social Welfare (CSWs). A model agreement exists between the ministry and child protection shelters in Prishtinë/Priština and Prizren, specifying procedures and criteria to be applied in emergency situations and planned admissions to these shelters. Again, the current programmes focus on trafficking rather than on CSEC victims in general. The capacity of the CSWs to provide assistance to and rehabilitation of trafficked girls appears to be insufficient,⁸⁵ social workers are not always available, and there have been reports of CSW staff showing a rather passive approach to providing the necessary social protection services.⁸⁶ In addition, there is very little cooperation between local welfare institutions and the few NGOs that also provide support services to trafficked children.⁸⁷

Trafficking within Kosovo is a relatively new problem, and proper reintegration mechanisms for domestic victims have not yet been developed.⁸⁸ A new procedure was established in 2003 whereby a case worker (and a legal guardian when necessary) is provided for each child, after which the child is referred to an appropriate shelter. Internally

trafficked girls considered to be at low risk of revictimisation are usually accommodated in one of two open shelters,⁸⁹ and recently the Ministry of Health and Social Welfare has begun to train families to foster trafficked girls unwanted by their own families.⁹⁰ Foreign child victims do not enjoy these still-limited provisions.⁹¹

Training Law Enforcement Personnel

Training of law enforcers on CSEC issues has been minimal. Capacity building efforts that have taken place to date generally focused on how to tackle trafficking in human beings, rather than specifically addressing the issue of child trafficking.


Since 2001, numerous seminars, discussions, conferences and training programmes on human trafficking – not specifically addressing child trafficking – have been provided for the police, prosecutors and magistrates, usually organised by the Serbian Ministry of Social Affairs in cooperation with NGOs, IOs and other governmental bodies. However, such training has not been provided equally to all law enforcement personnel, and most of the professionals in the border towns have not attended any form of training.⁹² The only training programmes on child trafficking were conducted by Beo Support and ECPAT UK, under the ‘Joint East-West Multi-Stakeholder Training Programme on Trafficking in Children for Sexual Purposes’ conducted by the ECPAT Europe Law Enforcement Group.⁹³

Some thematic classes on trafficking in human beings have been incorporated into the curricula of the High School of Interior and into special courses for the police, in the regular expert advancement of all representatives of the Ministry of Interior of the Republic of Serbia.⁹⁴ In 2002, special police teams were created to combat trafficking within municipalities and nationally.⁹⁵



**PRIORITY
ACTIONS
REQUIRED**

- The Republic of Serbia must adopt the *Stockholm Declaration and Agenda for Action*. Furthermore, Kosovo has a serious lack of policies and initiatives to protect children, and the critical situation of children requires urgent attention.
- Considering the magnitude of the commercial sexual exploitation of children in the country, it is worrying that the problem has not yet been properly addressed at policy level. NPAs to tackle CSEC must be developed as a matter of urgency in Serbia and also in Kosovo. Furthermore, specific provisions to tackle trafficking in children must also be included in existing national plans on trafficking in human beings.
- Prevention activities and law enforcement efforts must be reinforced in Kosovo to address the situation of sexual exploitation of children in relation to the presence of KFOR and the UN peacekeepers.
- Local and national coordination need to be strengthened to foster the effective implementation of existing child protection policies and initiatives. The appointment of an ombudsman for children is highly recommended as an initial important step in this direction.

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- Prevention efforts need to better target Roma children and street children, who are extremely vulnerable to commercial sexual exploitation and trafficking. Stronger engagement on the part of the education system in prevention efforts is also needed, and it is recommended that more resources be provided, both by the state and by international agencies, to finance NGO activities in schools in order to prevent CSEC.
 - The Republic of Serbia must ratify the *Convention on Cybercrime* and the Council of Europe's *Convention on Action against Trafficking in Human Beings*.
 - The Serbian *Criminal Code* must be reviewed to specifically define and prohibit child prostitution, and to prohibit sexual intercourse with a child for remuneration, in light of the standards set out in the *Optional Protocol*.
 - Serbian law on child pornography needs further strengthening, as it is unclear whether under Serbian law 'pornographic items' are defined as in the *Optional Protocol*: Serbian law does not appear to include simulated explicit sexual activities, nor does it ban the mere possession of child pornography.
 - The training of law enforcers on CSEC issues needs to be reinforced, particularly in order to enable law enforcers to deal properly with child trafficking cases and child victims.
 - Ensuring child-friendly procedures and the protection of victim witness protection mechanisms is a priority.
 - Shelters providing specialist care to child victims of commercial sexual exploitation should be established as a matter of urgency. Furthermore, a sub-system for referrals, assistance, protection and support of victims of trafficking who are minors must be created.

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