

Child Rights Centre

**CHILD TRAFFICKING
IN SERBIA**
Threats and Reality

Child Rights Centre   **Save the Children**

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Child Trafficking in Serbia - Threats and Reality

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PREFACE

Prevention and suppression of human trafficking, especially women and children, calls for a comprehensive international effort in the countries of origin, countries of transit, and countries of destination. Such an approach should encompass prevention measures, sanctions for traffickers, and protection of victims based on their internationally recognised rights. As the rights of the child are universally accepted and recognized sphere of human rights, child trafficking needs to be addressed as a distinct area of human trafficking. The overall social response must take account of the specificities related to psychophysical characteristics and mental maturity of the child.

Child trafficking represents a grave violation of child rights as trafficking networks expose children to all kinds of abuse, violence, ill-treatment and neglect, putting into danger or violating their physical or personal integrity.

Any instance of dealing with violations of all or individual rights of the child presupposes thorough knowledge of the entire body of the rights of the child. Appreciating the intention of the legislator, and the spirit of the Convention on the Rights of the Child, we must ensure that the steps taken with a view of protecting a child do not per se violate his or her child rights. In other words, protection of children from trafficking must rest on the respect for fundamental rights of the child.

Protection of victims' child rights is merely a segment in the overall anti-child trafficking effort. Therefore, to take exclusive interest in child victims is to deal with mere consequences, that is the omissions of the child care system as a whole. Only the joint effort and co-ordinated action of all systems, institutions and organisations will effectively prevent and suppress child trafficking, and ensure adequate assistance for the victims.

In March 2005, Child Rights Centre, with the support of Save the Children UK in Belgrade, launched a series of child-trafficking seminars for the representatives of the social protection system, judiciary, police authorities, education system, health care system, NGOs and media. The composition of the attendants points to multi-disciplinary approach to child-trafficking as a necessity and the only correct way to proceed in the mounting of an adequate multifaceted and differentiated social response. Insufficient knowledge of the issue, lack of specific methodological models, and poor interaction and co-operation among the systems, institutions and organisations responsible for the realisation of child rights diminish the efficiency and affect the quality of interventions. The seminars were initially held in the Raška and Jablanica districts, with the intention to expand and include other border districts as well. The objective of the seminars was to present child trafficking as a specific problem area of human trafficking and to examine it from a variety of aspects. The further development of the project, which is to include additional trainings targeted to the members of certain systems based on their needs and

activities, will ensure that the ultimate goal of having trained and functioning multi-disciplinary teams based in the local community is accomplished, and that activities of all practitioners are linked and harmonised. As child trafficking is an act of organised crime of utmost gravity and complexity, and a threat to society, the need for team work, and co-operation and joint effort of all protagonists in the society is pronounced and strongly manifested in the child rights protection system.

This publication comes as a result of the seminars and includes the presentations as they were delivered by lecturers. The seminar agenda also reflects the inter-sectoral approach to child trafficking, without pretension to have encompassed all possible points of view. The lecturers were from the governmental sector and non-governmental sector in the broadest sense of the word. The papers in this publication are presented in the order in which presentations were made at the seminars, which makes it easy to use as a model or approach to organising the same or similar seminars.

I would like to use this opportunity to express my sincere thanks to the lecturers - Sanja Milivojević and Sanja Čopić (Victimology Society of Serbia), Marija Anđelković, Tamara Vukasović and Aleksandra Jovanović (ASTRA), Sanja Kljajić and Milka Ignjatović (Ministry of Labour, Employment and Social Welfare Policy), Mitar Đurašković (Department for Foreign Nationals, Suppression of Illegal Migrations, and Human Trafficking of the Serbian Ministry of the Interior), Sergej Uljanov (International Police Co-operation Department, Crime Police Directorate of the Serbian Ministry of the Interior, member of Interpol Belgrade), Snežana Nikolić Garotić (District Court of Belgrade), Vesna Stanojević (Domestic Violence Counselling Centre), Dr Đorđe Alempijević and Dr Slobodan Savić (Institute of Forensic Medicine, Belgrade), Miša Stojiljković (Radio B92) and Tanja Zogović (Child Rights Centre) - for adding the well deserved relevance and substance to the topic by their knowledge, experience and activities in this field, and for adopting and presenting the child rights-based approach as a necessity, setting thereby standards in this field. I hope that our future cooperation will continue to make an important contribution to the full realisation of child rights.

I also want to thank the Belgrade office of Save the Children UK for making this project possible not only by its continued financial support but also by a true and long-standing partnership, thus working towards the fulfilment of our organisations' mission – realisation, promotion, and protection of child rights.

Belgrade, July 2005

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DEFINITION AND DELINEATION OF MAIN TERMS¹

Defining the main terms is an important prerequisite of any empirical research. However, this is extremely significant when we are faced with a type of crime such as people trafficking since here we have few empirical researches and theoretical generalizations, as opposed to the extensive space devoted to them in media, by different governmental and non-governmental organizations and other forms of public (unscientific) activities. Absence of systematic knowledge, and obscurity, complexity and variability of the phenomenon (in time and space), produced a series of ambiguities and confusions as regards the terms used in media, official and informal reports, and even in academic papers, both in the country and abroad.

Often no difference is made between people trafficking and prostitution or illegal migration; this may lead to faulty or inadequate perception of the phenomenon itself. Also, sometimes people trafficking is not distinguished from people smuggling; this may lead to inadequate legal framework and other forms of inadequate response by the state, but also to incorrect research approach. Finally, people trafficking is often unjustifiably reduced to one form only – to trafficking in women, and the trafficking in women itself to trafficking for sexual exploitation purposes.

That is exactly why, for the requirements of this research, we had to clearly define the main terms. We defined and delineated the terms in a manner described here below, relying on studying the available literature and taking into account the definitions of such phenomenon as provided by the International Organization for Migrations, and the definitions contained in the international documents, particularly in the Protocol on people trafficking from Palermo.

We considered people trafficking to be *recruitment, transportation, or other kind of transfer, reception or holding in, of other persons, and to that by employment of threat with violence or other forms of enforcement, abduction, deception, fraud, abuse of power or adverse circumstance of that person, or by giving or taking money or other benefit to a person who has control over other person, with a goal of such persons sexual, labour, or other kind of exploitation*. People smuggling is understood to be mediation, or participation in facilitating illegal entry in other country to persons who have consented to it, with the aim to gain direct or indirect material benefit, but without any intention to exploit these persons.²

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2) IOM Pristina, Status report - February 2000 to May 2001.

Exploitation, or holding in slavery is the most important element of people trafficking, and the element that makes it different from people smuggling. Therefore, people smuggling is not the same as people trafficking. However, people smuggling may develop into it, having in mind defencelessness of illegal migrants and the fact that they most often than not have to resort to illegal market of documents, labour, etc, and linkage of people smugglers with different agencies which are intermediaries in finding a job at the illegal labour market. Also, people smuggling always implies crossing the country border, while people trafficking may take place within the borders of a single state.

In order to better understand the people trafficking problem, it is necessary to define what is understood under transnational and what under organized crime.

Transnational crime is the crime that takes place at the territory of several countries and with which laws are contravened in several countries.³ Main characteristic of organized crime, however, is that it is a process or method of committing criminal offences, and not a special type of a criminal offence or a criminal. Another term used for this in the literature is “criminal enterprise”; it predominately addresses trade in prohibited goods or services, but also implies use of threats, violence, blackmailing (racketeering), intimidation or corruption.⁴ This practically means that organized crime incorporates a large number of interconnected forms of conventional criminality. Modern organized crime is characterized by professionalization, flexibility, and reliance on persons outside the organization (businessmen, politicians, and bureaucrats).

Finally, it is important to mention yet another characteristic of organized crime which is of relevance for understanding of people trafficking as a criminal offence which incorporates several people with different positions and tasks, and that the perpetrator, or organized criminal commits a criminal offence based on assuming certain place in the criminal organization.⁵ Connected with this is a term “criminal organization”. In modern criminological literature, criminal organizations are considered to be integral part of illegal market, but they are not the only participants in people trafficking. They are at the head of the supply network, by the participants also include different legally registered companies and individuals (tourist agencies, employment agencies offering both legal and illegal jobs, friends engaged in recruitment process) as well as corrupted officers, police, and similar.⁶

People trafficking is per se a form of illegal market. From the perspective of criminal organizations, people are goods like any other.⁷ Illegal market is

3) Williams, P. (2001) "Organizing Transnational Crime: Networks, Markets and Hierarchies" in P. Williams and D. Vlassis *Combating Transnational Crime: Concepts, Activities and Responses*, London and Portland: Frank Cass, p. 61.

4) Adamoli, S., Di Nikola, A., Savona, E., and Zoffi, p. (1998) *Organised Crime around the World*, Helsinki: HEUNI.

5) Cressay, D. (1997) "The Functions and Structure of Criminal Syndicates" u P.J.Ryan i G.E.Rush (ur) *Understanding Organized Crime in Global Perspective: A Reader*, Thousand Oaks, London, New Delhi: Sage, p. 14.

6) Williams, P., op. cit. p.79-80.

7) Williams, P.(1999) "Trafficking in Women and Children: A Market Perspective", *Transnational Organized Crime, Special Issue "Illegal Immigration and Commercial Sex - the New Slave Trade"* (ed. P.Williams), Vol. 3-4., p. 145-170.

understood to be places of exchange of goods and services, production, trade and use of which are forbidden or strictly regulated by international regulations and/or national legislation of majority of countries.⁸ Although illegal markets can emerge regardless of the existence of grey economy, they thrive in social contexts in which illegal markets, i.e. grey economy, prevail. Namely, existence of informal markets,⁹ i.e. a social context without clear delineations between the legal and the illegal, is a context that encourages emergence of legal (black) markets (e.g. in our country at the time of war and economic sanctions, the consequences of which are still noticeable).

People trafficking is usually linked with other illegal markets, such as black market of documents (passports, visas, work permits, residence permits), black labour markets, trade in drugs, armaments, smuggling cigarettes, etc. Some criminals only deal in trafficking of migrants, but some also provide addresses of employers. These traders in humans are at the same time intermediaries between migrants and employers, and could be therefore considered undercover employment agents. As it happens, often the legally registered employment agencies are involved offering both legal and illegal jobs. Different forms of illegal trade, i.e. different forms of action inside the illegal market are frequently undertaken in combination, or, more and more often, the actions implying a higher level of risk are replaced by people trafficking as highly profitable and less risky activity.

Most common victims of people trafficking are women, children, and male migrants.

Even though trafficking in women for the purpose of sexual exploitation is a form of trafficking in women that is most widely renowned and most extensively discussed in public, trafficking in women is a broader problem and appears in three main forms:

- Trafficking in women for the purpose of sexual exploitation,
- Trafficking in women for the purpose of (local) labour exploitation,
- Trafficking in women for the marriage purposes (mail-order brides)

With regard to trafficking in women for the purposes of sexual exploitation, one should make a distinction between trafficking in women and prostitution. Main difference is that trafficking in women entails slavery status, or complete absence of freedom of decision-making and movement – a woman is the ownership of the person who bought her and cannot by her own will stop her involvement in prostitution, i.e. cannot leave her owner. On the other hand, regardless of the degree of involvement of force and exploitation, the prostitution implies that one may freely dispose of own body and earnings, has freedom of movement, freedom to make decisions concerning whether to get involved in perpetration of prostitution or not, and similar.

8) Arlacchi, P. (1998) "The Dynamics of Illegal Markets" u P.Williams and D.Vlassis (ur) *Combating Transnational Crime: Concepts, Activities and Responses*, Milano:ISPAC, p. 203.

9) Informal market/grey economy may be defined as illegal trade in otherwise legal goods and services.

A victim of people trafficking may be a woman who was in a deceptive manner forced on prostitution activity, but also a woman who had willingly started prostitution activity but was later on drawn into a chain of people trafficking and fell into slavery.

Trafficking in children,¹⁰ likewise, in addition to trafficking for the purpose of sexual exploitation and labour exploitation, encompasses trafficking in children with a purpose of exploiting the children to commit criminal offences and other asocial behaviour (e.g. begging, use for pornographic purposes, etc), for the purpose of trade in body organs, of adoption, use in armed conflicts, and similar.

Trafficking in (male) migrants is closely related to smuggling of migrants and is basically reduced to various forms of labour exploitation (forced labour).¹¹ Well known are the organized criminal groups that trade in Chinese and other migrants from Asian countries.

10) In this research the children are, in accordance with the Convention on the Rights of the Child, persons of the both sexes younger than 18 years of age.

11) We assumed that forced labour is any labour performed under duress, in the circumstances of debt bondage and other circumstances in which exploitation of other people's work takes place. Forced begging and perpetration of criminal offences were considered to be specific forms of forced labour.

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TRAFFICKING IN CHILDREN IN SERBIA¹²

Trafficking in children is a very dangerous form of crime with a number of particularities that separate it from other forms of trafficking in people. Trafficking in children includes:

- trafficking in children for the purpose of sexual exploitation, children pornography and paedophilia,
- trafficking in children for the purpose of exploitation of labour,
- trafficking in children for the purpose of begging,
- trafficking in children for the purpose of committing criminal offences,
- trafficking in unborn children or just born babies for the purpose of adoption,
- trafficking in children for the purpose of concluding marriage,
- trafficking in children for the purpose of participating in armed conflicts.

Here we are addressing a grave form of crime where victims are children, as the most vulnerable part of the population, and at the same time the most innocent victims. Trafficking in children is even more veiled than it is the case with other forms of trafficking in humans. The dark figure in this field is much higher than in other forms of trafficking and it is therefore much harder to obtain real data about actual extent and prevalence of this occurrence.

In this section we will present the results of the research on the prevalence, structure and characteristics of trafficking in children, and the information obtained about the indirect indicators. The data were mostly gathered through interviewing the experts, activists of different NGOs, academics, and other individuals which were deemed to be a possible source of information about trafficking in children. This is the information about trafficking in children that was available to the individuals we have interviewed. Based on that information, it is possible to get a better insight into this phenomenon. The analysis primarily comprised the information available to our respondents about direct indicators of the extent, prevalence, structure and characteristics of trafficking in children in, from, and through, Serbia, and the trafficking that takes place within the border of Serbia. This analysis also comprised the available information on indirect indicators that trafficking in children is present, such as the information about sexual exploitation of children, begging, forced labour and coercion of children to commit criminal activity; the data about abductions, disappearances, and smuggling of children, which may be a cover-up for trafficking in children.

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1. Direct Indicators of the Extent, Spread, and Characteristics of Trafficking in Children

Out of the total number of the respondents (123), 43 individuals had information about the total of 94 cases where children were victims of trafficking in the territory of Serbia.

They had information about trafficking in children in the following cities: Belgrade (49), Novi Pazar (22), Novi Sad (6), Nis (5), Zrenjanin (3), Zajecar (3), Pozarevac (2), Vlasotince (1), Sombor (1), Velika Plana (1), Vrnjacka Banja (1).

In the above mentioned cases, the victims are mostly children of foreign nationality (40) and for the most part minors from Moldova, Ukraine, Romania, and Bulgaria; then follow children from Serbia – Roma children (34) and children other than Roma, in 20 cases.¹³

Based on the analysis of direct knowledge of our respondents about the cases of trafficking, we have learnt that, when trans-national trafficking in children is concerned, Serbia is a country of origin in 30 cases of the victims. Also, it is a country of transit or temporary destination for the children of foreign nationality in 43 cases. Moreover, trafficking in children also takes place within the borders of Serbia and our respondents had information about 21 cases of internal trafficking in children. The available information about the cases where Serbia is exclusive country of transit when children are trafficked are somewhat less frequent, and relate mostly to the cases when minor girls are involved in trafficking chains for the purpose of sexual exploitation, either aimed towards Kosovo or Western countries, or in cases when groups of people who are being smuggled include whole families moving from the east towards the west.¹⁴

As regards the forms of trafficking in children, according to the information available to our respondents, the most common is trafficking in children for the purpose of sexual exploitation (65), followed by the trafficking for the purpose of begging (17), and the trafficking for the purpose of conclusion of marriage (12), the last mentioned being typical for Roma population.

1. 1. Trafficking in Children for the Purposes of Sexual Exploitation

The most common form of trafficking in children as typical for Serbia is trafficking in children for the purpose of sexual exploitation (65 cases).

With regard to trafficking in children, Serbia is a country of origin, but also a country of transit, or, to be more precise, the country of temporary destination for the victims (trans-national trafficking in children). Children from Serbia are being

13) A great number of the individuals we have interviewed had some information about sale of Roma children within the Roma population; however, they were not able to specify concrete examples and, consequently, these cases were not included in the number of cases about which reliable information is known

14) In the first five months of 2003, the Department of the Border Police, for Foreigners and Administrative Affairs, registered that 268 foreign citizens have been caught in illegal crossing of state border, including men, women, and children, namely, whole families from Iran, Afghanistan, Turkey, Romania, and China, which are being smuggled from the East to the West.

sold into the countries of Western Europe (usually to Italy and France), but also to Kosovo which is again, when trafficking in children is concerned as well, marked as a significant point of destination. Besides, the children from Serbia are also trafficked within the territory, i.e. inside the borders of Serbia (internal trafficking in children).

When trafficking in children from Serbia to other countries is concerned, it is mostly the case of trafficking in children of Roma nationality, while trafficking for the purpose of sexual exploitation within the borders of Serbia is more typical for the girls of other than Roma nationality. According to the results of research, Serbia quite often appears as a country of transit, or more precisely, country of temporary destination, for underage girls from the countries of Eastern Europe (Moldova, Ukraine, Russia, Romania, and Bulgaria), when they are basically drawn into international chains of trafficking in women which are moving from the mentioned countries to the countries of Western Europe, or towards Kosovo or Bosnia, when, in the territory of Serbia they are being sexually exploited for several months sometimes.

1. 1. a. Characteristics of Trafficking in Children for the Purpose of Sexual Exploitation

Trafficking in children for the purpose of sexual exploitation unfolds in three main phases: recruitment, transport, i.e. transfer, and various forms of exploitation /victimisation to which the children are exposed.

Methods of Recruitment

Analysis of the obtained data on trafficking in children revealed that several methods in which children – victims of trafficking for the purpose of sexual exploitation, such as: sale by parents, relatives or representatives of Roma community; kidnapping; offering a job abroad or in the country (very often the jobs in Novi Pazar or Tutin, for example, are on offer so that the girls from all over Serbia head towards these cities), and the deceptions related to the work for so-called fashion houses and different kinds of beauty contests.

The most common form of recruitment, when trafficking in children is concerned, is sale by parents; it is particularly typical for Roma population, and it is extremely hard to obtain real data about its extent and spread since the Roma community is very closed and the sale of children is often explained by cultural reasons.

The individuals most acquainted with the sale of Roma children are the Roma NGO representatives who in their everyday work address the issues of providing assistance and protection for Roma. A representative of one such organization, for examples, maintained that:

“Our Roma are mainly sold to Italy. Both girls and boys are being sold: the boys for the purpose of forced labour, the girls for begging and prostitution. The children are transported in cardboard boxes. In Italy, children of 5 years are valued the most since they can work for 10 years more.”

About recruitment inside the Roma population, one of the respondents had this information:

“The recruitment (which is not recruitment in the classic meaning of the word) unfolds as follows: every Roma community has an organized group which has control over all that is going on inside the community, including smuggling of commodities; they bribe the police not to go inside the community; if any member of the community wants to undertake any action whatsoever, he must first ask approval from this group; the group even takes a part (a percent) of the humanitarian need assigned to the Roma in the settlement under their control, etc. Within the group, different members are assigned different roles: one deals with the trade in jeans from Novi Pazar, other is in charge of distributing the stolen commodities, etc. The same group controls the children’s leaving abroad. Namely, they move round the city, visit motels, bars, and meet other Roma who come from Italy; they make contact with them and obtain information that somebody from these people in Italy has been left ‘without any children’. Then the representative of the Roma settlement would say that he can see whether he has got children of that age and he would go to the families with such children, offer to help them send a child abroad, where it would be better for the child. Usually the family of the child is given some sort of financial aid (although it is disputable how much of the amount paid by the man who comes from Italy to take children ends up in the family of the child and how much is taken by the Roma representative for himself, having in mind that he represents a part of the organized team). It sometimes happens that later these children send money to their families, from abroad. There is no wonder that parents of Roma children consent to this if we know that 46 percent of Roma children does not get a meal every day in our country.”¹⁵

One of the usual methods used to recruit children, particularly in case of older minor girls includes deception with regard to allegedly legal job abroad or in our country. Those job are mostly as waitresses, babysitters and similar. According to what one of the respondents said, it is typical for secondary schools that recruiters start going after the girls by the end of May, or at the close of the school year, or in August, when schoolchildren are taking the exams they had failed during the regular term. They recruit them by “lingering” around them 24 hours non-stop, by buying things for them, mostly clothes, etc. After a week or two they tell them that they have got a friend who is interested in them, and that friend has a company abroad. If the girl attempts to get out of the chain at that moment, she is punished. Some of them are filmed while having a sexual intercourse and later threatened that these films will be sent to their parents or to the porno films industry.

The following example, recounted by a woman we have interviewed, describes yet another method of recruitment that is typical for entrapping schoolgirls. It happened in the Beauty School in Belgrade and, fortunately, it did not end in a disaster:

15) The mentioned method of recruitment is typical for trafficking in Roma children for various types of exploitation (sexual exploitation, begging, etc).

“This case is from 1999. One of the employees, a curriculum coordinator, a person who is constantly trading in something and making deals for procurement of the cosmetics and other necessary teaching aids, was contacted by a man who introduced himself as a designer from Greece who is opening a fashion store in Knez Mihajlova Street. Since this man had heard that the girls in this school are very attractive, as well as talented hairdressers, he expressed wish to hire them to do fashion shows for him. He needed a dozen of girls. Unsuspecting the scam, the coordinator accepted the task of selecting the girls. However, it was discovered by chance what was behind the man’s offer. Namely, the coordinator wanted to get in this his daughter, who had graduated design. When the girl got back home from the interview, she said that it was suspicious to her that the man insisted that everything should be in lace, as if he was going to open a brothel. Then the curriculum coordinator called the police. The police was supposed to arrive during the next arranged visit of the man. The police arrested him and then it turned out that he was not Greek but our citizen who recruits underage girls for prostitution. The situation was very dangerous since everything went through school so that the parents, trusting the teachers, did not suspect the deception.”

It should also be mentioned that the Beauty School is one of the safest schools in Belgrade with its own security, there is a former policemen on duty in the hallway. This is, according to what the woman we have respondents said, very important since, until they hired the guards, “local tough guys“ literally “assailed” the schoolgirls.

There is also a special, new method of recruitment associated with trafficking in children and women. Namely they are offered a job in so-called “fashion houses”. This is how one of the respondents, a representative of the police, explained the functioning system of so-called “fashion houses”, through which our girls get presentation abroad, after being promised a comfortable life in the world of fashion, they in fact end up being drawn into trafficking chains:

“A departure of girls who were supposed to go abroad through a ‘fashion house’ was prevented a month ago. Those were very young girls, minors. By ‘Mirage’, a coordinated endeavour with the surrounding countries, where the police greatly contributed to the battle against people trafficking, their departure was prevented. Now the steps are taken to prove that people trafficking is behind all this.”

A number of respondents people had information about a specific form of recruiting the young (often minor) girls in trafficking for the purpose of sexual exploitation through deceptions associated with various beauty contests in which the candidates could be the girls of 13-15 year of age, behind which trafficking in children for the purpose of sexual exploitation is sometimes hidden.

Trafficking in children takes place inside Serbia too. Our respondents knew for the cases when underage girls from Serbian countryside who got involved in the chain of trafficking after being sold by their parent, or being recruited by the offer of a well-paid job in Belgrade or Novi Pazar and by deception into the chain of trafficking in children for the purpose of sexual exploitation. The respondents also

identified a smaller number of cases when the children of other than Roma nationality were sold by their parents, even though this method of recruitment is most common inside the Roma population. For example, according to one of the respondents, a 37 years old woman from Belgrade, who has engaged prostitution since she was 16, sold her minor daughter (14) to the owner of a bar in Tutin. For a while the mother was in the same bar where she shared the clients with her daughter but then she disappeared. The daughter is still in the same bar.

Talking about the possible interconnection between the prostitution and trafficking in children for the purpose of sexual exploitation, one of the respondents emphasized that the scheme is almost always the same: the prostitutes start off with street prostitution; they are procured by their aunts, mothers; the younger they are, the better their price. While they are still virgins, they practice anal and oral sex so as to preserve their virginity and later achieve a better price.

Also, there is a certain number of cases where children are kidnapped. This may be illustrated by a case of a girl from Zajecar who was still a minor when she disappeared while walking down a street in Nis; she was drawn into a car by some people who were unknown to her. Based on a telephone call received by her mother several months afterwards, it is suspected that the girl is in Kosovo and that she is a victim of trafficking.¹⁶

In the case of younger children, recruiters are often the parents, mostly of Roma nationality, who make, usually verbal agreements with the traffickers very often with the belief that by doing so they are ensuring a better future to their children or a better life for the remaining part of the family as well. The role of recruiters (specially when non-Roma population is concerned) are also played by the acquaintances, boyfriends of the girls of 14-18 years of age, strangers that are met in disco clubs, cafés, or in front of schools, the girlfriends who have just entered the 'business' and therefore 'earn well and has fun, or employees in different agencies for fashion models, photo models, or in tourist agencies.

"In Novi Pazar there is a group of criminals working according to the classic blackmail principle. This group includes girls and boys. The girls from the group are paid to perform the task of luring a victim (usually girls in primary and secondary schools, between 14 and 16 years of age), by making a contact with a girl, starting a conversation with her, telling her about a guy that takes interest in her and has means to provide a comfortable life for her." (a representative of media)

Transport/Transfer

Transportation or transfer of children victims, when trafficking for the purpose of sexual exploitation is concerned, is quite like that in case of transportation of women, following the predetermined channels, using illegal methods of border crossing, with the forged passports, followed by crossing with an adult who also has forged documents with regard to their relations with the child. A number of children are transported across the border as "stowaways" in the trains, trucks, in

16) This case took place two years ago, when the girl was underage. Now she is 19 years old.

cardboard boxes, hidden under blankets, only in the case of Roma children (this method of transporting the Roma children is also mentioned in case of trafficking in children for the purpose of begging).¹⁷

Forged documents are very often used for the children involved in the trafficking. This was also the case with the underage girl M.A. (15) from Opovo, whose sale and departure for Italy was prevented at the Surcin-Belgrade airport by the officers of the Belgrade Police. This was an attempt to trade in children and leave the territory of Serbia and Montenegro with forged Bulgarian passports. The girl was escorted by two citizens of Serbia. The case was uncovered since a policeman checking the passports asked her something in Bulgarian and she could not reply. In this case, criminal charges were filed against her mother to the competent prosecutor's office due to criminal offence from Article 155 paragraph 1.3 of the FRY Criminal Code, relating to establishing slavery and transport of people in slavery, since her mother had sold her. The underage M.A. had been placed in the Shelter for Children and Young People in Belgrade, and afterwards she was handed over to a social worker from the Centre for Social Work Kovacica-Opovo Department.¹⁸

According to Dusan Zlokas, deputy commander of the Ministry of Internal Affairs of the Republic of Serbia, the Border Police Administration, for Foreigners and Administrative Affairs, and coordinator of the National Team for Combating Trafficking in People:

“In case of trafficking in children, the victims usually enter the country with adult persons who are not their parents. In such cases, certain documentation is required. Namely, the persons escorting the children must be authorized by the parents so that the children may travel with them. Therefore, it is entered in the passports of these persons that the children are travelling with them, and sometimes they leave the country without them. However, this is very hard to control, particularly in case of mixed marriages.”

Forms of Exploitation/Victimization

Forms of the exploitation, namely victimization of children-victims are, according to our respondents, physical abuse and intimidation, but also the sexual abuse and blackmailing, where usually older underage girls are kept in fear that, if they resist or escape, their parents would be notified of everything. This is what one of our respondents said about blackmail, as the most common form of exploitation of minor girls involved in trafficking for the purpose of sexual exploitation or in forced prostitution:

“When the recruiters ‘consider‘ a girl, set her up for a date with a boy who allegedly takes interest in her and take her into the arranged room. There they

17) Coordinator of the NGO called Roma Children Centre, based on the testimonies of Roma children that were trafficked in Bosnia, saved by their organization, has obtained information that the children had crossed the border illegally, in a car, covered with a blanket.

18) These data were obtained by interviewing the experts of the Border Police, for Foreigners and Administrative Affairs, the Police in Belgrade, also noted in report of the Border Police, for Foreigners and Administrative Affairs.

usually film her in some awkward pose with the boy or drug her and make her take off her clothes, and then take a photograph of her. At that moment, a member of the group comes in, interrupts everything, takes the cassette and let her go. The girl is shocked; she has no way out. Blackmailed, she consents to providing sexual services to the clients they take to her.”

In the houses where they are put up, the girls – victims of trafficking for the purpose of sexual exploitation are often treated with cruelty and humiliation. According to the testimony of a girl who was involved in trafficking for the purpose of sexual exploitation, the pimps are recruiting the girls by becoming their boyfriends at first only to keep them locked-up in the house later on:

“In the house he kept several other, older, prostitutes, who treated the girls brutally, putting her a smelly bucket over her head. The pimp procured her in the cruellest of ways, by letting the clients rape her. Fortunately, the girl managed to run away, after with the police took her to the Home”.

1. 2. Trafficking in Children for the Purpose of Begging

The analysis of the results obtained in this research revealed that in the territory of Serbia there also are some cases of trafficking in children for the purpose of begging (17) as well. More precisely, these are mostly children of the Roman nationality who are sold usually to Italy and there forced to work as beggars (sometimes also to steal).

1. 2. a. Characteristics of the Trafficking in Children for the Purpose of Begging

Methods of Recruitment

The Roma children are most often sold by their parents who see in such decision a solution for their problems and, according to our respondents, sometimes it happens that the children sold to Italy live in better conditions than they used to with their biological parents. One Roma girl, citizen of Serbia, managed to escape. This was the case of trafficking for the purpose of begging and forced marriage. In the trafficking for the purpose of begging, children of Albanian and Romanian nationality are also involved. In addition to Roma children from Serbia, one of the respondents had information about ten children, members of the Roma population of Bulgarian citizenship, who were sold in the territory of our country for the purpose of begging.

According to the respondents - journalists “at this moment most of the trafficking in Italy involves Roma children from Kosovo. Usually the children are sold to Bologna, where they are taken over by one Roma from Belgrade who takes women and children of Roma nationality to work for him. If children break an arm or leg, he does not take them to the doctor’s since, as a rule, the children-beggars with a bodily deformity earn more.” Another of the respondents said that, he found out about a camp where Roma children live in Bologna from a woman – professor at the University of Bologna who came to visit our country. It is suspected that the

children who are trafficked from our country are stay in this camp.

Again, in case of trafficking in children for the purpose of begging, the recruiters are usually the parents and relatives, and also representatives of a certain Roma community. One of our respondents knew about the families who do not reveal the number of children, meaning they usually do not register their birth, and then they are renting them and similar.

Transportation/Transfer

Transportation of the children trafficked for the purpose of begging, similar to the transfer of children for the purpose of sexual exploitation, is usually illegal, with forged documents, or the children are transferred as “stowaway” in the trucks, passenger cars, and similar. If they cross the border outside the border crossing point, they usually have a guide, or, they cross the border with the forged group passports and the children are identified as the children of the “traders” to which nobody pays special attention at the border.

A number of children crosses the border legally, after the “adoption procedure” is completed in the territory of Serbia. A case is known when the Roma parents tried to sell their children (a boy of 10 and a boy 2 years old) to other Roma who “temporarily worked abroad”. Workers of the Centre for Social Work in Velika Plana were “only” supposed to issue approval that the children travel with their “adoptive parents”. However, since they suspected the sale, the Centre for Social Work refused to issue this approval.

Forms of Exploitation

Forms of exploitation by which children involved in trafficking for the purpose of begging are physical punishment, but also not having the documents (which is frequent occurrence in case of children sold to Italy), not speaking languages and lack of awareness of children that they are victims.

1. 3. Trafficking in Children for the Purpose of Conclusion of Marriage

Analysis of the information obtained from the respondents, as a special form of trafficking in children, also typical for the Roma population, is trafficking in children for the purpose of conclusion of marriage (12), which is usually attributed to culturological characteristics of Roma. However, having in mind that young girls are concerned, often very little children, and also children with special needs, this is a serious form of criminality. The following example may illustrate this:

“From the Special Primary School “Dusan Dugalic” the Centre received the information that the parents of a 16-year old girl who was slightly mentally retarded wanted to get her out of the school and sell her for the purpose of conclusion of marriage. The information from the School said that the girl did not want to get married but the people in the Centre learnt about this only when it was already too late. The Social Work Centre called the girl’s parents but they did not admit anything. They notified the municipal SUP, even contacted the SUP of the place where the groom lived. Unfortunately, everything was seemingly voluntary. For sale of the girl with

special needs nobody was held accountable since all was attributed to culturological customs of the Roma, and the girl had supposedly married voluntarily.”

In addition to Roma population, sale of children for the purpose of conclusion of marriage is typical for the Vlach population, particularly for the Eastern and South-Eastern Serbia:

“In the Primary School “Sveti Sava” in Velika Plana there was one similar case. Namely, the school was supposed to issue approval that one of their students conclude marriage. A man that came with the girl seemed to be her father but it was actually her husband-to-be. Of course, the school refused to approve of this marriage. However, the girl was already sexually abused in all probability.”

2. Indirect Indicators of Child Trafficking

In addition to indicators that point directly to the phenomenon of child trafficking, upon conducting research on this complex form of crime, it is necessary to take into account other indicators as well which themselves hide certain forms of exploitation of children (the element that together with reducing a person to slave is characteristic for human trafficking or child trafficking), presenting a great risk of child trafficking. These cases include numerous border cases and at times it is hard to determine whether we are dealing with trafficking or not. Thus our respondents were unable to include them with certainty among other cases of trafficking. In this sense the knowledge is significant on sexual exploitation, begging, illegal and forced work by children, abductions, disappearance and smuggling of children, as well as forcing children to engage in criminal activity.

2. 1. Sexual Exploitation of Children

Information on some of the forms of sexual exploitation was provided by 27 examinees, out of the total number of 123. These were mostly inspectors with the Secretariat of the Interior, representatives from Centres for Social Care, county prosecutors, and magistrate judges but also representatives of various NGO's from Belgrade, Zajecar, Novi Sad, Vlasotinac, Novi Pazar, Vrnjacka Banja and Sabac. Children on whose sexual exploitation our examinees had the knowledge of were mostly girls, between 11 and 17 years of age, from temporarily or permanently dysfunctional families as well as children without parental care, children with special needs and children suffering from behavioural disorders. Roma children also figure very prominently as victims of sexual exploitation.

As regards the forms of sexual exploitation of children, our examinees confirmed that these were mostly as follows: procurement and forced prostitution as well as sexual abuse of children by their parents or other adults.

Forcing children into prostitution is especially characteristic for large towns like Belgrade, Novi Pazar, Nis. However, this phenomenon has also been observed in Vrnjacka Banja, Zajecar and Vlasotinac.

According to the information of the majority of examinees, children are most often involved in street prostitution although since recently it has become common

that older juvenile girls offer sexual services in some coffee houses and bars.

In Belgrade there are special locations where, together with adult girls, very young minor girls offering sexual services can be found. These locations as identified by all respondents (19) from Belgrade who had knowledge of this phenomenon, are: the Blue Bridge, the park in front of the Faculty of Economy, in the surroundings of a bus and railway station.

A female respondent described a case of a minor girl involved in prostitution who, when asked where she worked replied that it was close to the “Gavrilo Princip” School in Belgrade. The respondent at first thought that she was employed as a school cleaner but it turned out that she meant the park in front of the Faculty of Economy where the girl was offering sexual services.

At a special risk of sexual exploitation, according to the information of the majority of respondents, are children living in homes for children without parental care. However, according to some respondents from those homes, the staff respond immediately upon noticing some indications that a child is under a risk of sexual exploitation. Thus, when it was found out that two girls who lived in a Home had more money than usual and a large credit for their mobile phones, the staff of the home followed them and discovered that they frequented a restaurant in Belgrade in the company of two men. The Manager of the Home summoned the girls and told them that they were followed by the police and that they should inform the men they were seen with the girls. This case has not been reported to the police, since it was not certain that it involved prostitution.

Especially endangered from sexual exploitation are also mentally retarded children and the so-called “border cases”. This is illustrated by a case described by a female respondent:

“A slightly mentally retarded girl, placed in the Shelter after she had been found out on the street, had been sexually exploited for two years first by her own father who later “passed her on” to a man who forced her to prostitution. After she had been placed in the Shelter, the “pimp” used to come introducing himself as her uncle and trying to take her out. Since it did not work out, he started hanging around the institution recruiting girls for prostitution. With the aid of a protégé who had his phone number and the police, he was caught and is now being prosecuted for forcing girls to prostitution, while the father is being prosecuted for collaboration as well as sexual abuse of his wife and his daughter.”

According to the words of Milanka Lukic, Director of the “Rada Mladenovic-Djolic-Crna” Centre for Family Accommodation of Children in Milosevac, some 10% of children sheltered in the Centre have been involved in prostitution. This can be learnt from children’s documentation. However, the risk is highest for those children upon leaving the home, since they are supposed to take care of themselves and live independently. Unfortunately, a number of children are not prepared for this.

As regards involving children in prostitution, and regarding trafficking in children for the purpose of sexual exploitation, the recruitment phase has been singled out as an important one. According to the information provided by our

examinees, the majority of children get involved in prostitution or various other forms of sexual exploitation by force (often forced by parents or close relatives). Talking about this, a female respondent says:

“In the course of my work I have been meeting mothers who introduce their daughters into prostitution. There are many cases of mothers who left their children after birth to come to take them out of the home when they are 13-14 in order to get them involved in prostitution.”

However, having in mind social circumstances in our country, a number of girls, mostly older minors, decide on a voluntary basis to become prostitutes or “sponsored girls”.¹⁹

A very attractive territory for prostitution of young girls, apart from Belgrade, is the territory of Novi Pazar into which young minor girls from all over Serbia flock in search of work, because they “heard that good money can be earned there.” Financial crisis, a disturbed system of values, large unemployment rate, as well as a large number of refugees and displaced persons from Kosovo have caused a huge increase of prostitution among minors in this town in the province of Sandzak. Prostitution, including child prostitution is mostly carried out in night bars famous for not offering only drinks but also young girls for entertainment. As a respondent says:

“Prostitution thrives in Novi Pazar including a lot of juvenile girls. Prostitution is mostly spread in restaurants, bars and coffee houses. Premises on upper floors or an auxiliary room within the building are used for giving sexual services. Women and girls, often juvenile, are officially employed as waitresses or cleaners while unofficially they also engage in prostitution. Most of women and girls are ours, local - there is only a small number of foreign women. They came from all over Serbia: from Belgrade, Cacak, Novi Sad, Kragujevac, Kraljevo, Raska and mostly from south Serbia. A bar owner in Tutin exhibits girls to his customers, some eight or ten of them, aged between 15 and 40 and offers them to chose. Price ranges from 5 to 50 Euros.”

This huge increase of prostitution in Novi Pazar over the recent years, is explained by an examinee as follows:

“Prostitution has a deadly effect on our school children since they are more and more involved in the “business” by lies and blackmail, with promises of good and fast profits and by offering them all that their parents are unable to afford. Of course, children are also promised that they can go, i.e. leave the job any time they wish. After a while, however, girls realize that they have been cheated, since pimps are not letting them go and there is no sign of any money. I should also mention the so called “sponsored girls” who offer their services to rich businessmen, most often in return for an apartment, good car, expensive clothes and similar.”

Otherwise, according to the words of the same examinee, during 2002 in the territory of Novi Pazar, 6 minors have been reported for being involved in prostitution. Two of them were penalized.

19) Young girls who enter sexual relationships with rich men in return for expensive clothing, make-up sometimes even a car or apartment and similar.

According to the information of the majority of respondents, child prostitution is in most cases organised. Organisers are mostly pimps who control adult prostitution as well.

In Vlasotinač, a seemingly peaceful town on the south of Serbia, minor prostitution is thriving also, mostly in coffee houses and night bars. According to the information of some respondents, there are grounds for believing that this prostitution is organised.

“Recently a mother of a secondary school pupil dashed into premises occupied by the SOS organisation. She found it strange that her daughter suddenly started to dress in nice clothes. Asked from where she obtained the clothes, the daughter first answered that she had borrowed them from a friend and later claimed that they had been given to her by women operating the SOS phone. Thus, the mother entered the premises of this NGO with the aim of finding out whether the clothes were given to her daughter by them. Even though their organisation occasionally distributes clothes (mostly second hand pieces) to women in need, it was clear to them that the girl was involved in an illegal business. Shortly after, the girl confessed and the chain started to disentangle...The police took over the case.”

The information on the presence of child prostitution exists also for Zajecar. Several cases of forcing children to prostitution have been identified there recently. One of those cases was of an 11 year old Roma girl, who was forced by her mother, a mentally retarded person herself, to perform oral sex for railroad workers in return for 50 dinars. There is also a case of a minor boy living in a special boarding school, who offers sexual services at the bus station for some 50 dinars., a case of a Bulgarian girl, 12-13 years old who was found three years ago in a coffee house in Zajecar where she was working as a waitress an hour after midnight. When she was found and asked with whom she had slept for money, she started to talk. Her answers were rude, in characteristic language which she picked up from her “customers”. Investigation uncovered that the girl had been forced to have sex with a priest from Zajecar. Criminal charges have been brought against him as well as against the bar owner who served as her procurer, taking DEM 20-30 per service. By the fast action of the Police and the Centre for Social Care, the girl was sent back to her country of origin together with her mother although the mother keeps coming back to Serbia since she has twins here with a citizen of our country. The girl is now in a boarding school of a closed type in Bulgaria. The priest was unfrocked and sentenced to 6 months in prison, while the bar owner was sentenced to 1 year in prison.²⁰

2.2 Begging and Vagrancy

Begging and vagrancy, almost always forced among children, are very important indirect indicators which could serve as a cover for trafficking, especially when dealing with Roma population.

20) According to the information provided by our examinees, it cannot be claimed with certainty that the child prostitution in Zajecar is organised, having in mind that all cases mentioned were separate from each other.

Seventy six respondents, professionals of various profiles, have the knowledge of begging and vagrancy phenomena among children. Out of that number, 56 believe that begging is organised, especially in larger towns (Belgrade, Novi Sad, Novi Pazar, Nis) whereas smaller towns are characterised by the so called “out of necessity” begging with always the same individuals or even families taking part.²¹ Begging by children has been observed in all towns included in our research. According to the words of our respondents, in most cases it takes place in centre of town, around markets (spots where fluctuation of people is densest), in the vicinity of bus and railway stations as well as around cemeteries.²² In addition to this, in smaller towns the so called “door to door” child begging is present.

All respondents who had knowledge of begging, believed that the majority of beggars are women and children, thinking of increasingly present phenomenon of begging mothers with babies in arms. It often turns out that children are not even theirs but rented for the occasion or similar.²³ In addition to this, it has been observed that a large number of somewhat older children who seemingly appear as independent beggars, without presence of any adults are actually very often controlled by the adults.

As an interesting example we can quote systematic observation of begging at the Belgrade New Cemetery, carried out by researchers from Victimology Society of Serbia, upon which it has been noted that Roma children would from time to time run to a young man of some 20 years of age, who appeared to be standing, uninterested in the vicinity of St. Nikola’s Church and were handing him something over (presumably money earned by begging).²⁴

According to the majority of our respondents, begging is present at the largest extent among Roma population. However, some cases of begging by foreign citizens’ children have been observed too. These are mostly Romanians for whom begging is a “family business”. Dragan Zivkovic, Inspector of the Shelter for Foreign Citizens in Padinska Skela shared his observations regarding begging by foreign citizens:

“As regards beggars who are not citizens of our country but are begging on its territory, they are in most cases not interlinked. It is a family “business” for them where father works somewhere illegally while children are forced to beg by their parents. Thus some organisation does exist but among foreign citizens this is mostly according to family principle. On the other hand, as regards begging of our citizens, mostly Roma, I believe that a well organised network exists involving most often children and women beggars. They have their own boss to whom they hand money daily. This is an extremely tortured and abused population of Roma children.”

21) However, the mere fact that entire families are included in begging can be viewed as the information on certain level of organisation in these cases.

22) Phenomenon of begging on cemeteries has not been a very frequent one so far, according to our examinees’ words. However, it has been found that this type of begging is spreading from Belgrade to other towns in the countryside, as a new location for begging.

23) Zivomir Rakic-Krlan, President of the "Roma Castle - Krlan" Association approached once a young Roma female with two children in her arms, begging in Terazije Square asking whether the children were hers. She responded that one was, whereas the other one had been rented.

24) The observation was carried out on three occasions, between 26th April and 28th June 2003.

Milica Simic, Coordinator of the NGO “Roma Children Centre” underlined the problem of the so called “children of the street” in Belgrade, mostly affecting Roma population which is considered a population at high risk of becoming victims of various forms of crime and abuse :

“Our organisation participates in the “Children of the Street” project whose task it is to provide aid for child-beggars. Currently, 55 Roma children who beg, roam and get involved in prostitution on the streets of Belgrade, are included in this project. In addition to financial aid for clothing, food and medical care, the project includes workshops with children led by a psychologist and a psychiatrist and treats problems encountered by these children and educate them on various addictions, since all children included in the project are dependant on drugs. They sniff glue, smoke marijuana and take pills with alcohol. The children included in the project most often beg in the city centre: in Knez Mihajlova Street, Slavija Square, by “Dusanov Grad” Restaurant, in front of the National Theatre. Begging with them are also non-Roma children from Serbia and Kosovo. “Children of the Street” do not belong to an organised network, they mostly beg for their own needs, to eat and have money for drugs.”²⁵

As regards “children of the street”, one of the most serious problems facing this part of population, a female respondent from Belgrade expressed her opinion as follows:

“Our country has no strategy whatsoever in relation to “children of the street”. Some activities for solving this problem were taken over by the “Vasa Stajic” Children’s Home, Roma Children Centre, Ministry for Social Care and our institution - Centre for Protection of Infants, Children and Youth. We know that almost all “children of the street” are addicted to certain psychoactive agents, i.e. glue sniffing. However, right from the start it turned out that no psychiatric or neuropsychiatry institution existed that would engage in treatment of addicts of such young age, not even the Institute for Mental Health. Simultaneously, a number of children of the street increased, in connection with poverty, disintegration, weakening of family and its functions, as well as wars that have happened recently on these territories. Some 2-3 years ago, the so called green or human patrols were introduced, whose task it was to remove children beggars from streets. At the same time, no adequate accommodation was found for that children or any other alternative and therefore those children remain on the street. However, a preparation is ongoing for a project for opening Safe Houses for children of the street.”

Violeta Laketic, Director of the Shelter for Children and Youth, within the frame of the Institute for Education of Children and Youth in Belgrade provided information that out of a total number of children (369) who were admitted to the Shelter during 2002, 11 were brought because of begging and no less than 86 for vagrancy. The reason behind it could be that the so called human patrols, which functioned regularly removing beggars and vagrants from streets, have not been

25) Milica Simic, Coordinator of the Roma Children Centre believes that begging among Roma population is not organised by some people "outside" and even if it is organised, then it is by family or an older cousin (for example uncle).

functioning recent years, due to insufficient accommodation capacity of the Shelter. Child-beggars from 2 to 7, however, are taken to the Children's Home "Dragutin Filipovic-Jusa".²⁶

Novi Pazar figures also in relation to this social phenomenon as the territory where begging is very common and, according to the words of the respondents who in various ways deal with this problem, organised as well. Roma women and children from all parts of Serbia, as well as displaced persons from Kosovo make up for over 80% of beggars and are mostly concentrated in the town centre, around the church and mosques. According to the opinion of the majority of examinees from Novi Pazar, begging has been very common in this town during the last 10 years, and now a tendency of its increase has been observed. A series of factors influenced the vast diffusion of begging: vicinity of the war inflicted zones caused the influx of refugees and displaced persons (mostly Roma from Kosovo) who were predominantly engaged in begging. Further we should mention the financial crisis and also the environment where religion prescribes performing of merciful acts ("Give alms to every begging hand") out of fear that by failing to do so, no "sevap"²⁷ would be received. According to the words of our respondents, beggars are transported to the town in an organised way, and are distributed according to places determined in advance (close to religious objects, market, hospital). Separately distributed are women with children, since they earn more. Individuals who control beggars, often come and collect money earned by begging. During summer, beggars usually do not go back to their towns but live in tents far away from the town, in Banjik village next to the dump or rent apartments. In a rented house in Novi Pazar a Roma lives with seven male children who are not his own but who beg for him and bring him money. A number of examinees had information on houses in Novi Pazar where Roma children live in extremely poor conditions: they sleep 10 in a room, unheated in winter. During the day they beg and with that money pay for their lodgings.

As regards the problem of begging, which, although it has existed always, has become very common in recent years, a female respondent from the Centre for Protection of Infants, Children and Youth in Belgrade, says:

"There are many children who engage in begging. I think it is their way of contributing to their family budget. I have an impression that the Secretariat for Interior is unresponsive to the problem of begging, which is partly a result of the fact that capacities of institutions for the accommodation of children without parental care as well as shelters are full. In the course of my work I have learnt that children in Roma families do not bear significance unless they earn money."

2.3. Illegal and Forced Work by Children

Our respondents' knowledge on forced labour by children, as an indirect indicator of trafficking in children, predominantly relate to forced begging and prostitution

26) All efforts of the report authors to get in touch with the staff of the "Dragutin Filipovic-Jusa" Children's Home failed, since not one of them was prepared to cooperate.

27) Belief that no reward - "sevap" from God will arrive unless a good deed has been performed and money given to beggar.

and to a lesser degree, to collecting old papers and washing of car windows at traffic lights, which is also considered to be an organised phenomenon in bigger cities. The information on forced labour of children provided by our respondents relates mostly to large Roma families and poor families of non Roma origin.

Thus, for example, according to the words of our respondents, on the territory of Novi Pazar, during 2002, 40 children were registered as working illegally, mostly in warehouses, packing goods or cleaning bars, or on the other hand, girls were forced to prostitution in bars where they were working as waitresses or cleaners.

According to the words of a respondent, reasons behind the increase of the illegal and forced work among children on the territory of Novi Pazar during the last 12-13 years are various. The significant one is unemployment and pauperisation of a large number of families in town. On the territory of Novi Pazar, over 20.000 people lost jobs and those people had to find some solution. A number of them switched to trade, more precisely illegal trade on the black market in order to provide some support for their families. Others got employed with private companies, providing their families' basic needs for day to day life and education of children. Pressure on companies' owners grew stronger and stronger and they started employing more and more people, without reporting it to the authorities. It is not ruled out that juveniles were employed as well. Families who supported themselves by selling on market and street stalls, often included juveniles in their business (mostly single mothers). Some children were forced to sell cigarettes in bars and coffee houses and on the streets. A large number of young people work in bars to be able to continue their education.

Information on a specific form of forced labour of children has been gathered by observing the already mentioned phenomena in Knez Mihajlova street in Belgrade, where during the whole summer (exploitation of the children is ongoing) two Roma boys, aged 6 and 7, under the supervision of their strict father, "entertained" passers by playing music while their 5 year old sister would occasionally join in dancing.²⁸

A number of respondents believes that alcoholic parents often abuse their children, forcing them to carry out certain jobs (sell various repertoires, flowers and similar) or to beg in order to provide money for alcohol.

One of our respondents mentioned a case of a pupil who started suffering from a hernia since his father had been forcing him to work with him on a construction site where he had to push a wheelbarrow full of debris. In addition to this, respondents pointed out to the phenomenon of forced labour of children on fields in the village of Milosevac, near Velika Plana. These are foster families for children without parental care. According to the testimony of children themselves, who

28) Observation was carried out on three occasions between 14th June and 26th July 2003. The object of observation was the forced labour of Roma children aged between 4 and 7, whose father was forcing them to play music in Knez Mihajlova street in the evenings. On that occasion, a researcher from the Victimology Society of Serbia, approached the father and found out that by playing music children were earning money for the trip to Vienna where they would continue to do the same.

participated in a workshop led by a female respondent, children are forced to work in fields in the morning and go to school in the afternoon. According to her words, all sorts of things happen in foster families, from physical abuse of children to incest and yet nobody tries to prevent that.

A respondent pointed out the phenomenon of begging by deaf children organised by non-deaf adults in Nis. However, even though this form of begging is to a certain level organised (begging with cards asking for contribution to buy hearing aid), the respondent believes that this phenomenon does not have a deep or strong organisation behind it, nor does it provide a significant income. Still, according to the information provided by a respondent, a deaf pupil's elderly cousin who manufactured those cards and recruited other deaf children for begging, has been arrested and convicted in Pirot.

2.4 Abductions, Disappearance and Smuggling of Children

Our respondents' knowledge about this phenomenon was mostly in relation to abductions of rich businessmen's children, known through the media or abductions by divorced parents who, having not been granted custody of their children, are trying to change court decisions by abducting their own children. According to the information of some respondents from Belgrade, there have been several cases that a parent who failed to gain custody, abducted the child, taking it without the knowledge of the other parent. The police when informed in such cases and with the aid of the Centres for Social Care, take action to have children returned to the parent who has legal custody.

A number of respondents mentioned disappearance of babies from maternity hospitals, information of which they acquired in indirect way, mostly through the media. Also mentioned was the case which happened five years ago in "Narodni-Front" Maternity Hospital, when a newborn baby disappeared and the paediatrician and midwife were involved in the felony. The trial is still ongoing.

Respondents from Nis and Zajecar knew of the abduction of an juvenile girl from Zajecar who had been abducted on a street in Nis and forced into a car. There has been no trace of her since. It is also known that a large number of children from Kosovo has disappeared.

As regards abductions of children, a number of respondents (11) pointed out the phenomenon of children running away from institutions for social care (Homes for Children without Parental Care and Shelters), or, on the other side, running away from home, mostly out of rebellion. However in those cases children are found shortly after with the aid of the police and social services. An example has been mentioned of a group of boys from a primary school in Novi Pazar who agreed to run away from home because of low grades in school. One of them took money from home and they all left for Ulcinj. After three days of unsuccessful search, the parents informed the Police and the children were found and brought back home.

Children on the run often fall victims to various forms of crime. Typical is the case of a mentally retarded girl from the Home for Children without Parental Care,

who ran away from the Home to look for her cousins. She spent the night with a bus conductor who took her back to the Home the next day. The girl was immediately taken for a check up by a doctor who determined that she was *virgo intacta*. The man introduced himself as her cousin and promised to come to pick her up from the Home, but he never did. The girl, on the other hand, is not able to describe what this man did to her.

None of the respondents disposed of statistics relating the smuggled children, except the information that in Padinska Skela Shelter for Foreigners among the groups of smuggled people from East to the West, among Kurds and Chinese, sometimes complete families together with children can be found, whose number is not known since the institution does not otherwise shelter minors unless they have been caught with their parents.

2.5 Forcing of Children to engage in criminal activities

Forcing of children to engage in criminal activities, as a specific form of control and exploitation of children, mostly relates to the forcing of children by older juveniles or younger adults to steal but also deal drugs with children being engaged as the so called “narcotics -couriers”.²⁹ For example, a respondent says:

“These children are some 10 years of age or over. Every criminal has his “soldiers” who perform felonies for him. These are criminal groups from the colonies of Brace Jerkovic and Medakovic. Within every criminal clan there are juvenile “soldiers”. Juvenile Homes also present a real hotbed for criminals. Children in those homes get shaped up and prepared for a criminal career.”

According to the opinion of the majority of respondents, this phenomenon is especially present among the secondary school pupils and children living in Homes, as well as among Roma boys, the so called “children of the street”. Some respondents, however, claim that there is a group of Roma people who force children to engage in criminal activities. They have even managed to “snatch” two children who had previously been included in the “Children of the Street” Project. They force children into stealing by beating them. Also, it would be very dangerous should anybody try to contact them in order to set those children free.

As regards children living in Children’s Homes, a female respondent points out:

“It happens sometimes that older children abuse younger protégés, by forcing them to beg for money. For that reason, professional staff in children’s homes are trying to introduce homogenous homes for children without parental care. Special care is being taken that drug dealers do not talk children from Homes into taking drugs by offering them free samples in the beginning. There were, however, some lonely cases that a child from Home was exposed to this risk but the reaction to prevent it was immediate. More precisely, these were two cases of drug dealers concentrated in the area between two schools, offering children from Home to take drugs into the Home and distribute it among friends. Fortunately, this incident was

29) Many respondents from various towns of Serbia have pointed out the phenomenon of forcing minors to deal drugs, especially in schools.

immediately uncovered and prevented. In case of any suspicious situation, staff of Children's Homes contact the Department for Juveniles of the Secretariat of the Interior, with whom they maintain very good cooperation. They also call them to check other children with whom protégés of the Home get in touch."

The information given by another respondent is similar:

"Children of the Shelter and "Vasa Stajic" Children's Home have files reaching one meter height before they turn 14. As soon as they turn 14, they are sent to Krusevac. These children are citizens of our country and sometimes deal for themselves, in other cases are organised by others. Educational measures of sending children to the Houses of Correction have never produced good results. It is a known fact that their stay in Krusevac and Valjevo is in fact a sort of their 'graduation exam."

A number of respondents had knowledge of cases where parents and cousins force children to engage in criminal activities. This phenomenon is also spread widely among Roma population but can be found as well among children of Romanian citizens whose parents force them to beg and engage in small thefts. At a special risk of being forced to perform criminal activities are children from poor or "problematic" families as well as children living alone. The following example serves to illustrate this:

"A juvenile (aged 11) from Zubin Potok several times broke into a warehouse of technical goods by crawling through the ventilation window 25x50 cm in size. The boy was tiny and skinny and could go through even a smaller opening without any problems. It was assumed that he could not have done this by himself and that somebody else accompanied him. Parts of stolen goods were found with an older man who tried to sell it at the market. He was arrested but denied any connection with the boy. By further investigation it was disclosed that the boy was forced to steal by him. The boy himself was only temporarily residing in Novi Pazar, unregistered and alone. The owner of the warehouse who suffered damage asked for the suspension of charges against the boy."

Children with special needs, according to the information by our respondents, are also frequent victims to forced engagement in criminal activities. For example, there is a case of a boy from Vozdovac who has been monitored by the Centre for Social Work since he was 4-5 years old. It was known that he was a victim of people around him, older criminals, who would help him sneak into houses to steal for them. Several criminal charges have been brought against this boy who is also slightly mentally retarded. He has been sent on several occasions to a Children's Home in the countryside but would come back to Belgrade by himself, since he was a "Belgrade child".

3. "Children at Risk"

Upon carrying out a research of victims, special attention is paid to the characteristics of victims. In cases of trafficking in children we are dealing with children who, based on analyses of expert knowledge, have been singled out as

children at high risk of trafficking in children and other forms of exploitation (sexual exploitation, forced begging, forced criminal activity and similar).

The part of the population of children that is, according to the information of our respondents regarding trafficking in children as well information on other mentioned social-pathological phenomena, most often mentioned are Roma children, children without parental care as well as children living in educational institutions of open type which offers full freedom of movement outside the institution and which is due to the specific situation that they are in but also thanks to the large number or recruiters who swarm around institutions recruiting girls, very easily become victims of trafficking or other forms of exploitation. As children at special risk are also children with special needs (slightly and moderately mentally retarded children),³⁰ children with behavioural disorders, as well as children from dysfunctional families.

One of the most drastic examples of the risk to which children without parental care are exposed is the following:

“Girl from Moldavia, victim of trafficking from the age of 14, previously placed in the Home for Children without Parental Care, from where she was recruited, above all because she was a virgin and higher price is paid for virgins. Girl was found in a night bar in the vicinity of Sombor but prior to that she had been on sale in Kosovo, Montenegro, Bosnia, Republika Srpska to be finally brought to Serbia. She had been exploited for several months in each of those places. When she left for Moldavia, she was already 18, which means that her suffering lasted for 4 years.”

Ljiljana Ivanisevic, expert coordinator in the Centre for Protection of Infants, Children and Youth in Belgrade talking about risks for children immediately after being released from Children’s Homes said the following:

“Needs of children in Children’s Homes are fulfilled while they are under protection. Children have accommodation, food, clothing, shoes, pocket money and do not have many reasons to enter prostitution except already mentioned naiveté characteristic for children living in homes. Namely, the half-protected position does not train them for independent life. I believe that children are in greatest risk of trafficking, prostitution and similar once they are released from homes. Children’s Home makes effort to help children finish secondary school, find employment, lodgings, but it is in fact the independent life itself that presents the biggest risk for those children”

4. Conclusion

Results of the conducted research according to both direct and indirect indicators of child trafficking risk, undoubtedly show that trafficking in children is present in Serbia and that unfortunately, this dangerous form of organised crime has reached serious dimensions.

As regards trafficking in children, Serbia predominantly figures as a country of victim’s origin, especially for Roma children, but also as a country of transit and

30) Case of the girl from "Dusan Dugalic" Primary school in Belgrade, mentioned previously, page 86

temporary destination for minor girls who are included together with adult women in organised chains of trafficking in women for the purpose of sexual exploitation. Analysis of the collected data show that trafficking in children, mostly citizens of our country, is carried out also within the borders of the Republic of Serbia. This form of trafficking is mostly done from smaller towns toward bigger ones, most often Belgrade, Novi Pazar and Nis.

According to the data gathered by the research, most frequent victims of trafficking are children citizens of Serbia themselves (54 in total) - the number of Roma³¹ and non-Roma children being the same, most of them girls. In addition to those, victims are also children-foreign citizens included in trafficking on a transnational level.

According to this research, children who were singled out as being under a high risk of trafficking in children but also all other examined social-pathological phenomena closely connected to it, are Roma children, children living in Homes for Children without Parental Care (especially sensitive immediately after being released from Homes), children with special needs, children from poor or permanently dysfunctional families.

The results obtained by this research relating to indirect indicators (prostitution, begging, forced engagement in criminal activity, forced labour, abductions and similar crimes) point to the wide diffusion of these forms of exploitation to which children are exposed and to increased presence of the organisation of the phenomena mentioned, which further deepens the risk of trafficking in children since it can be skilfully hidden behind them.

The analysis presented in this article will hopefully be further examined, supported by the results of future empiric research, and should be used to build an efficient system for the eradication and prevention of all forms of child exploitation. In addition to this, of special significance is the need for preventive work with those children at highest risk from these types of crime.

31) Data on the spread of trafficking in Roma children should be taken with a reserve, having in mind that we are dealing with a very closed Roma community, which very often considers trafficking within the community itself as a culture trait. All indicators point that the number of Roma children involved in trafficking is by far greater and that the dark number is high here.

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PROTECTION OF CHILD VICTIMS OF TRAFFICKING AND SELECTED INTERNATIONAL DOCUMENTS

When speaking about the protection of child victims of trafficking as a part of the protection of victims of trafficking in general, one must bear in mind that, not so long ago, children were recognized under the international law as a particularly vulnerable and specific category whose needs surpass the traditional protection mechanisms envisaged by the human rights law. More specifically, childhood, as a stage in human life, is a social concept and human creation of the 17th century Europe. Until then, due to high child mortality rate, belief that lives of children were in the hands of higher powers, and lack of institutionalised education, children were not perceived as persons with specific characteristics or nature. It was only in the 17th century that children started to be treated as exceptionally vulnerable beings and that the notion of childhood first appeared. Thanks to developmental psychologists, recognised were existence and characteristics of the autonomy of the child's personality, and the need to acknowledge, respect, standardise and guarantee them, that is, the need to create environment where child rights will be truly recognised and realised. While the question of whether the rights of the child should or should not have been established as a separate sphere of human rights may be pertinent on the level of theoretical discussions, in practice numerous international treaties accept and affirm this thesis. The rights of the child are a fact of the present day, a reality recognised under the international law. They are defined in terms of general rules, while the process of their standardisation will unfold and move forward, like in other fields, in keeping with the social development trends. The amendment and modification of the existing documents and adoption of new ones by various international and regional organisations are ongoing processes aimed to secure comprehensive and adequate protection of children from all forms of abuse.

Childhood is a stage in life when the specificities of the child are manifested. The notion of the specificity of the child implies specific qualities with respect to psycho-physical characteristics and the level of mental maturity of a child. The rights of the child are human rights by nature, and enjoyed by all children irrespective of the country where they live, or political, cultural, and economic environment, or traditions, customs and beliefs impacting their development. International law sets supreme legal standards in the sphere of child rights. All stated, existing and potential differences (in terms of traditions, beliefs, customs and the like) must honour the universally accepted values standardised in the international treaties. Child rights constitute a body of rights built on two principal ideas:

- Children are autonomous individuals who have specific needs and rights, and hence, are active subjects of their rights and not solely objects of protection by adults;
- Due to specific psycho-physical characteristics, children are, depending on age and level of mental maturity, particularly vulnerable and at-risk category, and need special, additional protection.

Serbia and Montenegro is a party to almost all most significant international treaties on human rights. The Charter on Human and Minority Rights and Civil Liberties envisages direct application of the ratified international treaties on human rights and civil liberties. In other words, the national legislation recognises the supremacy of international law. That is why exceptional importance of the signed and ratified international treaties should never be disregarded. In addition to committing to harmonise national legislation with international law, ratification involves many other requirements in terms of introduction of appropriate mechanisms, measures, procedures, policies, and activities to facilitate the implementation of the ratified international treaties.

Just like trafficking in human beings has been known to exist since ancient times - some authors make mention of it as far back as in classical Greek and Roman periods - child trafficking is not a recent phenomenon either. Nevertheless, the forms of its manifestation - routes, recruitment methods, transportation, and forms of exploitation - varied depending on historical period, social and economic background, and cultural period. Although we lack reliable and valid information about the number of victims, both international and national researches point to the growing number of victimised children.

Initially, international documents were protective by nature and provided for partial protection of children from economic and sexual exploitation. They were No. 5 Minimum Age (Industry) Convention of the International Labour Office (1919) and the Convention of the League of Nations for the Suppression of the Traffic in Women and Children (1921). That leads us to conclude that child labour exploitation and child trafficking are first recognised forms of child abuse calling for strong condemnation and response by the international community. By adopting the two Conventions, the worst forms of exploitation became internationally recognized, indicating the existence of will to strengthen child protection. This was the first step on the legislative level, launching the process that extends until the present day. Different organisations and specialised agencies adopted and opened for ratification numerous documents that explicitly or implicitly guaranteed protection of children from trafficking in human beings. Some of these documents address trafficking in people, including child trafficking, while the others are dedicated exclusively to the issue of child trafficking. Today the international law provides for the protection of the child under the human rights documents of general nature and under those addressing exclusively child issues.

Of the general documents adopted under the aegis of the UN, definitely the most significant ones for the anti-child trafficking response are *UN Convention against Transnational Organised Crime and the Protocol on Prevention, Elimination, and*

Punishment of Trafficking in Human Beings, Especially Women and Children, adopted in 2000.³² Of the documents, adopted by the UN and specialized agencies, that focus specifically on child issues, the key ones are the *Convention on the Rights of the Child*, *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*³³, and (*the International Labour Office*) *Convention No. 182: Worst Forms of Child Labour Convention*.³⁴

All international treaties share a common purpose:

- To prevent and combat trafficking in human beings, with special emphasis on women and children;
- To protect and assist victims of trafficking, with full respect of their human rights; and
- To promote co-operation among the signatory countries in accomplishing these goals - as an imperative considering that trafficking in human beings falls in the domain of organised crime.

Presented below are only those parts of international treaties that concern realisation of adequate child protection.

Any instance of dealing with violations of all or individual rights of the child presupposes thorough knowledge of the entire body of the rights of the child. Appreciating the intention of the legislator, and the spirit of the Convention on the Rights of the Child, we must ensure that the steps taken with a view of protecting a child do not per se violate his or her child rights. In other words, the protection of children from trafficking must rest on the respect for fundamental rights of the child.

*The Convention on the Rights of the Child*³⁵ (hereinafter referred to as the Convention) is the most authoritative international treaty in the sphere of child rights. It was adopted by the UN General Assembly on 20 November 1989.³⁶ The adoption of the Convention was preceded by two Declarations of the Rights of the Child, from 1924 and 1959. Their importance resides in the fact that they set the basic principles for the development of the idea of child rights, although they were not binding on the signatory states for their declarative nature. What followed were pressure, lobbying, and efforts on the international level to adopt a document that would have an effect of a binding international treaty. As a result, the Convention on the Rights of the Child, spelling out a precise catalogue of rights, was adopted. The adopted document pointed to the specificity of the child and to the specificity of childhood. Judging by the number of ratifications³⁷, the Convention is universally accepted and is an indication of the global awareness of the existence of child rights, and of the need for their promotion and protection. On the other

32) Our country ratified both of these documents in 2001.

33) Adopted by the UN General Assembly in 2000, ratified by Serbia-Montenegro in 2002.

34) Adopted by the International Labour Conference of the ILO in 1999, ratified by Serbia-Montenegro in 2003.

35) The Convention on the Rights of the Child, Official Journal of the SFRY (International Treaties), no. 15/90; Official Journal of the FRY (International Treaties), no. 4/96 and 2/97.

36) Ratified by the SFRY in 1990.

37) This is an international treaty with the largest number of ratifications; it was ratified by all countries of the world except the USA.

hand, there is a possibility of this entire field not being taken seriously enough due to the fact that the beneficiaries of these rights are children – an ‘army’ that represents no major threat to anyone. Whatever the case may be, from the international perspective, it is the state that committed to recognise all rights enumerated in the Convention and to create the environment enabling children to enjoy their rights unrestricted. This means that the principal obligation of the state is to assure that the rights of the child are realised, although the Convention places the primary responsibility for the upbringing of the child with the parents, i.e. with the family as the fundamental group of society and the natural environment for the development and well-being of children. The ultimate responsibility of the state arises from the requirement stated in paragraph 2 of Article 18, “States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.”

The Convention defines a child as every human being below eighteen years of age. It guarantees the following rights of the child: the right to be cared for by his/her parents, the right to a name, the right to acquire a nationality, the right to preserve his or her identity, the right to freedom of expression, the right to access the information, the right to health and social protection, the right to education, and others. While all rights are equally important and indivisible, four are raised to the level of fundamental principles:

THE RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT (Article 6)

THE BEST INTERESTS OF THE CHILD (Article 3)

THE RIGHT TO NON-DISCRIMINATION (Article 2)

THE RIGHT TO EXPRESS VIEWS (Article 12)

The fundamental principles serve as a «filter» in each individual situation in which a child may find himself/herself or for any concrete decision that concerns the child. Namely, if any of the said principles of the Convention is not observed in a specific situation, it is assumed that none of the other guaranteed child rights are respected. Whenever a particular case is decided, the decision must be ascertained to observe the right to life, survival and development, the right to non-discrimination, the right to express views and to take into account the best interests of the child.

The right to express views means that a child who is capable of forming his or her own views will be assured the right to express those views freely in all matters affecting him/her, the views of the child being given due weight in accordance with the age and maturity of the child. It is an innovative right by character, and seems to be a considerable requirement for adults too, since it calls for a shift in attitude and behaviour on their part.³⁸ Respecting the right to express views is challenging as it implies the responsibility of adults for assessing whether a joint decision is feasible, and adapting the matter at hand to the age and maturity of the child. This is certainly not to justify the position that children are immature for making any or

38) Particularly in our society - we still belong to the protective model - children are considered small, weak and immature creatures who need to learn and play, while adults are there to make all important decisions that concern them.

most of the decisions that concern them. Also, the right to express views implies interaction between the child and adults in at least three directions, not in a sense that any decision made by the child must necessarily be honoured, but in a sense that the child has to be provided with the relevant information, has to be heard, and has to get feedback, regardless of whether it is in the best interest of the child to have his/her view honoured or not. In other words, it is the responsibility of adults to create a setting where the child's person will be respected. Nevertheless, it should be remembered that to respect the right to express views is not to transfer too great a burden of responsibility onto the child, but to foster a continued process of exchange between the child and adults.

On the other hand, the concern for the best interests of the child is a legal standard that needs to be operationalised, as it is easily misused – who is to determine the best interests of the child and how can we be sure that the decision taken in any specific case is the right one? For that purpose the indivisibility of rights is frequently invoked, while the certainty that the decision will reflect the best interests of the child is achievable through active participation of the child in the assessment of his/her best interests, besides sensitised and trained professionals.

Beside the rights guaranteed under the Convention that are discussed above, there is a group of rights that could be called the rights of predominantly protective character, or as the Committee on the Rights of the Child³⁹ calls them – the rights of children in special situations. These include children's rights to be protected from abuse and neglect, drug abuse, sexual, economic and other forms of exploitation, and to be protected in armed conflicts.

This group of rights encompasses the children's right to protection from abduction and trafficking. It is governed by Article 35 of the Convention that instructs "States Parties [to] take all national, bilateral and multilateral measures to prevent the sale of, abduction of, or traffic in children for any purpose or in any form."

While recognising the existence of the issue of child trafficking, this rather broad definition fails to commit the states to meet any obligations aimed at preventing and combating child trafficking. Lack of obligation, and the serious and ever growing problem of child trafficking led to the adoption of two additional protocols by the UN in May 2000 – Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Protocols offered additional and more concrete protection of children from all forms of exploitation in comparison to that envisaged under the Convention.

Optional Protocol on the sale of children, child prostitution and child pornography⁴⁰ (hereinafter referred to as the Protocol) was adopted as a result of

39) A supervisory body including 18 independent experts monitoring the process of implementation of the Convention on the Rights of the Child in the States Parties.

40) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Official Journal of the FRY (International Treaties), no. 7/02.

consideration that, in order further to achieve the purposes and the implementation of provisions of the Convention on the Rights of the Child, and in particular *Article 1 – definition of a child, Article 11 – the illicit transfer and non-return of children, Article 21 – adoption, Article 32 – child labour, Article 33 – illicit use of harmful substances, Article 34 – sexual exploitation*, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from sale, child prostitution and child pornography. This document recognises the following risk factors facilitating all forms of child exploitation: underdevelopment, poverty, economic disparities, inequitable socio-economic structure, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, and armed conflicts. The analysis by individual risk factors and comparison with the situation in the country would easily lead us to the conclusion as to what extent we are exposed to and threatened by this problem.

For the purpose of the Protocol, sale of children is understood to mean: "Any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration" (Article 2 (a)).

The States Parties are obliged to establish as a crime in their national legislation (whether such offences are committed domestically or transnationally on an organised basis):

"Offering, delivering or accepting, by whatever means, a child for the purpose of:

- Sexual exploitation of the child;
- Transfer of organs of the child for profit;
- Engagement of the child in forced labour" (Article 3, paragraph 1 (a)).

The Protocol underlines the need to pay close attention to and subject to tighter control the process of international adoptions, and to abide strictly by the international legal documents governing adoption. Considering that failure to observe those documents may result in variety of illegal activities, such a requirement would prevent and render impossible many of such cases.

The requirements imposed on the states by the Protocol with the aim to promote respect of child rights are especially clear and concrete in the part defining the measures for the protection of the rights and interests of child victims of acts prohibited under the Protocol in all stages of the criminal justice procedure, and in particular by:

- "a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;
- b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
- c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
- d) Providing appropriate support services to child victims throughout the legal process;

- e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
- f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
- g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims;” (Article 8)

Article 8 is a backbone of the child rights-based approach to child victims of trafficking. It is a basis for developing provisions of many international treaties intended to protect child victims of trafficking. All actions, measures, programmes and other activities planned on the national level must meet the requirements set out in this Article and the Protocol as a whole.

Also, the states parties committed to assure that the uncertainty in respect of the actual age of the victim will not prevent the initiation of criminal procedure, including the investigative actions aimed at establishing the age of the victim. That means that in a concrete case when we are not certain whether in front of us is a major or a minor person, we will always presume that the victim is a minor, and proceed accordingly. Less harm will be done if an adult person is treated as a minor than otherwise.

Further on, states parties must ensure that, in the treatment of children who are victims of the offences described in the Protocol by the criminal justice system, the best interest of the child must be a primary consideration.

The Protocol obliges the states parties to take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the Protocol, and the measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.

It is extremely important that all child victims have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible. By claiming and receiving compensation, the victims obtain much needed resources to move ahead with their life. The resources are normally used for subsistence, but also for education⁴¹, which is of special importance for child victims.

UN Convention against Transnational Organised Crime⁴² and Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and

41) The right of the child to education is guaranteed under Article 28 of the Convention on the Rights of the Child, and is the right that must be taken care of in the process of rehabilitation of a child victim. Here the need for special programmes of inclusive and vocational training of child victims holds particularly prominent position.

42) UN Convention against Transnational Organised Crime, Official Journal of the FRY (International treaties), no. 6/01.

*Children, supplementing the Convention against Transnational Organised Crime*⁴³, adopted in 2000, represent key documents governing this area.⁴⁴ The intention of the legislator was to effectively promote co-operation in prevention and fight against transnational organised crime. The Protocol supplements the Convention and, as evidenced in the title, singles out women and children as especially vulnerable categories in need of appropriate protection measures. The Protocol was adopted in recognition of the fact that despite the existence of numerous international documents containing rules and practical measures to combat exploitation of persons, especially women and children, there was no universal document addressing all aspects of trafficking in human beings.

Trafficking in persons, as understood in these two documents, involves a whole range of behaviours, such as recruitment, transportation, transfer, and harbouring or receipt of persons, for the purpose of exploitation and abuse of victims.

The term exploitation is understood to mean prostitution of persons and other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, or the removal of organs.

The key elements of the offence are reflected in the means that are used, such as the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of the position of vulnerability or of the giving or receiving of payments or benefits to achieve consent of a person having control over another person, giving this offence a character of trafficking.

It is essential to note that the Protocol envisages punishment for child trafficking even if no means of force, coercion, abuse, or other are involved. This means that even in case a child consented to exploitation, such child is deemed victim of trafficking and is entitled to special protection! This provision acknowledges the fact that children are especially at risk of trafficking and in need of strengthened protection.

As for the assistance to the victims of trafficking and their protection, the Protocol underlines the need to:

- Protect the privacy and identity of victims and confidentiality of the legal proceedings;
- Keep the victims informed about relevant court and administrative proceedings;
- Provide assistance to victims enabling their interests and views to be presented and considered at appropriate stages of criminal proceedings;
- Implement measures to provide for the physical, psychological and social recovery of victims of trafficking, and in particular the provision of:

43) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organised Crime, Official Journal of the FRȲ (International treaties), no. 6/01.

44) Adopted in Palermo, Italy, between 12 and 15 Decembre 2000 at the international top-level Conference held under the auspices of the UN. Hence, frequent references to these documents as the Palermo Convention and/or Protocol. The same Conferenece adopted the Protocol against the Smuggling of Migrants by Land, Sea and Air. A third document was harmonised, but remained unsigned - Protocol against the Illicit Manufacturing of and Trafficking in Fire Arms, Their Parts and Components, and Ammunition. This Protocol was adopted on 31 May 2001.

- a) Appropriate housing;
- b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
- c) Medical, psychological and material assistance;
- d) Employment, educational and training opportunities;

In implementing the above provisions, each state party must take into account the age, gender, and special needs of victims of trafficking in people, in particular the special needs of children, including appropriate housing, education and care!

The Protocol also stresses the need to provide for physical safety of victims and the possibility of obtaining compensation for the damage suffered. It also regulates the status of victims of trafficking in the states where they are received, repatriation of victims, and the measures to prevent trafficking in persons, such as exchange of information and training of relevant professionals, border measures, security and control of documents, and others.

The ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. 182⁴⁵

In June 1996, the governments of the countries throughout the world agreed at the regular session of the International Labour Conference⁴⁶ to launch a process of drawing up a convention that would concern child labour alone. The proposal was to lay emphasis on those types of child labour that could not be tolerated any longer, with the aim to prohibit those forms of child labour that are most harmful, most dangerous, and enable exploitation at the highest degree. The ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (hereinafter referred to as the ILO Convention No. 182) was adopted on 17 June 1999 at the 87th session of the ILO Conference in Geneva, along with Recommendation no. 190. This international document covers all persons under the age of 18 and obliges the signatory countries to take immediate and effective measures to secure prohibition and elimination of the worst forms of child labour. In addition to the definition of worst forms of child labour, this document instructs the states to prohibit any child labour which by its nature and circumstances in which it is performed is likely to harm their health, safety, and morals. The adoption of this Convention by the ILO was a significant event in the international legal protection of the child. The Convention came into force on 19 November 2000.

Child labour from an early age and under difficult conditions is not a new phenomenon. On the contrary, it has always been present, only to become most manifest during the age of industrialisation. Not all child labour is related to exploitation. When children help their parents with the chores, take part in family business or earn pocket money in their free time or during holidays, working at the jobs that are appropriate for their age and mental and physical abilities, then we

45) The ILO Convention Concerning the Prohibition and Immediate Action for Elimination of the Worst Forms of Child Labour (No. 182), Official Journal of the FRY (International Treaties), no. 2/03.

46) A body of the International Labour Office.

cannot refer to it as the existence of exploitation of child labour. Quite opposite, timely and occasional involvement of children in the performance of certain jobs facilitates their development, teaches them skills, and gives them experiences that they will find useful in their future life.

Child labour corresponds to the labour that is:

- Mentally, psychically, socially or ethically dangerous and harmful for the child, and
- Affects his/her education by:
 - Preventing the child from attending school;
 - Obliging the child to leave school before time, or forcing the child to attend school under extremely difficult conditions;

Not all children are equally victimised by exploitation of child labour. The nature of exploitation depends on age, health condition, economic circumstances in the country, level of technological development and level of awareness of the need for childcare at large. Nevertheless, the situation is much worse, often critical, in poor countries and in the countries which for some reason, political or economic, are facing crisis. Most affected are the poorest social strata in those countries, including immigrant children, street children, children of minority or indigenous origin, or refugee children. Exploitation of child labour is most common in Asia and Africa. It is believed that more than 90% of children who are subject to exploitation of labour live on these two continents.

According to the ILO Convention No. 182, the term »worst forms of child labour« includes:

- ”- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour...; and
- The use, procuring or offering of a child for prostitution, for the production of pornography, or for pornographic performances;” (Article 3, paragraphs 1 and 2)

These forms of child labour represent the most serious violations of the rights of the child and are thus deemed intolerable.

Beside the documents protecting the rights of the child which are binding on the parties thereto, some documents adopted on the international level are non-binding. They are usually qualified as soft law, since the states in harmonising their respective standpoints within that framework accept non-binding rules reflecting legal concepts that can be used to reinforce the protection of child rights. Soft law includes declarations, resolutions, directives and other acts. They help create the environment for adoption of international documents that will be binding on the states. This is a significant achievement characterising the development of international law in general, and comes principally as a result of efforts of international organizations.⁴⁷ By way of illustration, based on relevant

47) See more in Šahović Vučković, N. (2000) "Prava deteta u najznačajnijim međunarodnim dokumentima", /The Rights of the Child in the Most Important International Documents/ in "Prava deteta i međunarodno pravo" /The Rights of the Child and International Law/, Belgrade, Yugoslav Child Rights Centre, pp. 48 - 49.

international and regional human rights documents, in consolidating various standards laid down therein, in May 2003, UNICEF⁴⁸ adopted the *Guidelines for Protection of the Rights of Children Victims Trafficking in Southeastern Europe*.⁴⁹ They provide a straightforward account of the policies and experiences required to implement and protect the rights of child victims of trafficking. The implementation of the guidelines helps establish a protection and assistance system that would be appropriate to the rights and needs of child victims of trafficking.

In addition to the general principles of the right of child victims to special protection measures, both as children and as victims, that correspond to their special rights and needs; of the best interest of the child being a primary concern in any procedure; of the right to non-discrimination; of respect for the views of the child; of the right to information; of the right to confidentiality, this document provides guidelines for specific measures. Guidelines for specific measures govern the identification process, appointment of a guardian, questioning, interviews, and initial actions, referral system, cooperation among all bodies concerned, interim care and protection, regulation of status, implementation of a durable solution, and victim/witness security and protection.

For example, a guardian is appointed to a child as soon as he/she is identified as a victim of trafficking to accompany the child throughout the entire process of identifying and implementing a durable solution that is in the best interest of the child. The guardians should undergo specialized training and receive professional support, i.e. the persons appointed as guardians must have relevant childcare expertise and the knowledge and understanding of special rights and needs of child victims.

To the extent possible, child victim should be assigned one and the same person to be his/her guardian for the entire duration of the process.

The Guidelines offer so far the most elaborated procedures for the treatment of child victims of trafficking in keeping with their rights of the child. They should be become everyday practice and an inherent part of procedures and actions of the authorities and services responsible for the protection of child victims. However, it should be kept in mind that the protection of the rights of child victims of trafficking is but a segment of the overall fight against child trafficking, and that involvement with child victims addresses the consequences, i.e. the omissions of the system responsible for childcare as a whole. It is only in a joint effort and coordinated action of all systems – social protection, education, judiciary, health care, the police, NGOs, and members of the media – that the problem of child trafficking will be effectively prevented and suppressed, and victims provided adequate protection.

All international treaties mentioned herein place an obligation on the signatory states in respect of the protection of child victims of trafficking to:

- Adopt and strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent child trafficking;

48) United Nations Children's Fund

49) www.unicef.org.yu

- Promote awareness in the public at large, including children, through information, education and training, about the preventive measures and harmful effects of child trafficking;
- Encourage participation of the community, especially children and child victims, in preventive programmes of education and training, including the national level;
- Take all feasible measures with the aim of full reintegration of child victims of trafficking and their full physical and psychological recovery;
- Take appropriate measures for effective prohibition of the production and dissemination of material advertising child trafficking;
- Take all necessary steps to strengthen international cooperation to protect children from trafficking in people by regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for child trafficking;
- Promote international co-operation, and co-ordination among own government authorities, national and international non-governmental organisations and international organisations with the aim of preventing child trafficking and protecting child victims of trafficking;
- Take everything feasible with the aim of providing assistance to child victims of trafficking, including their physical and psychological recovery, social reintegration and return to their home countries.

The above international obligations also provide guidelines for their implementation on the national level.

Aleksandra Jovanović
ASTRA

TRAFFICKING IN CHILDREN – EXPERIENCE FROM PRACTICE

ASTRA is a non-governmental organisation committed to the fight against all forms of trafficking in human beings, especially women and children. Being one of the first to raise the topic of trafficking in human beings in our country, ASTRA has been on the Serbian Anti-Trafficking Team since its inception, coordinating a prevention and education task force.

ASTRA operates through four schemes:

1. Prevention and education (campaigns, workshops, trainings, round table discussions, handouts)
2. Direct assistance to victims (SOS Hotline, field drives, psychological, legal, medical and social assistance)
3. Networking (locally and regionally)
4. Research and reporting

Considering that children are especially at risk from trafficking, ASTRA in its work puts special emphasis on young people. So far, more than 250 workshops have been held for schoolchildren and a series of lectures given at universities throughout Serbia, in an attempt to familiarise young people with the phenomenon of human trafficking and the risks involved, but also with the prevention methods. Key information related to prevention is given via ASTRA's SOS Hotline. Young people, and citizens at large, call to find out more about legal opportunities for education and employment abroad.

Finally, SOS Hotline acts to provide assistance and support to victims of trafficking and their families. Activities at SOS Hotline are closely related to provision of direct assistance to victims of trafficking. This assistance comprises referral of victims to a shelter, provision of legal assistance, of medical services, and of psychological support, and follow-up of victims throughout the judicial procedure and re-socialisation process.

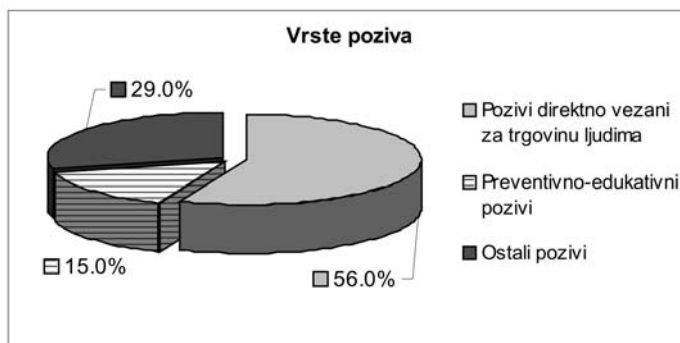
SOS hotline statistics

Since March 2002, when it was launched, until 31 March 2005, SOS Hotline received 2,509 calls from 712 clients. Of this number, 142 were identified to be women and children who are victims of trafficking.

Structure of Calls:

The reasons why citizens contact us asking for help can be broken down into three groups: the first group comprises the calls directly related to trafficking in human beings (citizens report what they know about traffickers, families report

disappearance of their children, and the like) – 1,406 calls (56%), the second one comprises the calls of preventive and educational nature – 373 calls (15%), and the third one are unspecified calls – 730 calls (29%).



/Types of calls: Calls directly related to trafficking in people;
Preventive/educational calls; Other calls/

Identification of Victims via SOS Hotline

In addition to the main principles of operation of SOS Hotline (anonymity, confidentiality, case-specific approach), from the very start ASTRA opted for the method which allows victim identification at various stages, depending on the type of call – a call to report a missing person who is suspected to be a victim of trafficking, or a preventive/educational call.

I. In case a person suspected to be a victim of trafficking is reported missing, all reports are accepted/verified.

1. If we do not have information of the victim's whereabouts, where he/she was seen last, who he/she talked to, whether a job offer was made to the victim, and similar, such client is identified as a potential victim and remain in this status until such time as an investigation or some other information confirms that such person is a victim of trafficking.

2. In case there are partial or full information about how a client was recruited, where he/she is located, we identify such client as a victim of trafficking, according to the following criteria:

- the person is in a situation of violence;
- the person is subject to repression;
- the person is deprived of freedom of movement and/or is in the position of dependence on the trafficker and his accomplices.

Any information about recruitment or transport of victim, and information whether and who with the victim has been in contact in the meantime are also relevant. However, in situations of this kind we accept that the person reporting the disappearance may not have full insight into the situation of the victim.

3. When we are contacted by persons who came out of the situation of violence, the following criteria apply in the identification of victims:

- Whether they were forced to work by the means of fraud, coercion or violence, and whether exploitation was involved;
- Whether they were forced to give up the proceeds of their work (by the means of fraud, coercion or violence);
- Whether they had access to personal documents;
- Whether they were isolated and under constant supervision by the trafficker;
- Information about the trafficker, recruitment, and transport of the victim are also relevant for identification;
- The period of time from the moment the victim had come out of the situation of violence until the moment he/she called SOS Hotline is irrelevant for identification of victim (SOS Hotline receives calls from boys/girls who managed to break free from the trafficking networks more than ten years ago, some of whom were minors at the time of recruitment).

II. In case of preventive/educational calls, when we are contacted by the clients who plan to move abroad for the reasons of education, employment, marriage and the like, most frequently through various agencies, the assistance will include any support enabling our clients to immigrate legally/safely. This category of clients is accounted for as „at risk group” until such time as we receive confirmation that they are safe at a predetermined destination.

In addition to main principles and the above described methodology of operation, in working with underage victims of trafficking SOS Hotline observes the rights guaranteed under *the Convention on the Rights of the Child*⁵⁰, and in particular the following fundamental principles:

- Right to life, survival and development (Article 6)
- Best interests of the child (Article 3)
- Right to non-discrimination (Article 2)
- Right to express views (Article 12)

It is not always easy to reconcile all of the fundamental principles in each individual case, especially the best interests of the child and the right to express views, but we still fully insist on each and every one of them.

Speaking of juvenile prostitution, ASTRA has taken the position that there is no such thing as consensual prostitution as far as the children are concerned.

Clients Who Are Victims of Trafficking

In the period between March 2002 and March 2005, ASTRA identified via SOS Hotline 142 victims of trafficking, of whom 101 were citizens of Serbia-Montenegro, 40 foreign citizens, and 1 minor person whose citizenship was not established.

Child Victims of Trafficking

Of 142 identified victims of trafficking in human beings, 86 were adults and in 56 cases they were children (in the meantime nine of them have reached majority).

⁵⁰) The Convention on the Rights of the Child, Official Journal of the SFRY (International treaties), no. 15/90; Official Journal of the FRY (International treaties), no. 4/96 and 2/97.

Citizenship – total	#
Serbia-Montenegro	101
Moldova	12
Romania	7
Ukraine	7
Hungary	4
Bulgaria	3
France + Serbia-Montenegro (dual)	1
Latvia	1
Czech Republic	1
Armenia	1
Belarus	1
Unknown	1
Iraq	1
Bosnia-Herzegovina	1
TOTAL	142

In 2002 and 2003, children accounted for about 10% of the total number of victims of trafficking. In 2004, this percentage soared to the alarming 56% of the total number of identified victims.

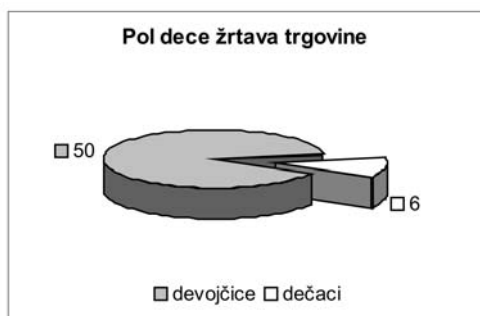
The analysis of ASTRA's records shows that the children ASTRA identified as victims of trafficking were between the age of 14 and 17 on average. In our work so far we have not met children under that age, which does not necessarily imply that younger children are not victimised, but merely that such cases were not reported to us.

Majority of children, 51 of those identified as victims of trafficking, were citizens of Serbia-Montenegro, and the others were foreign citizens of Romania, Iraq, Bulgaria, and Moldova, while the citizenship of one person could not be established.



/Citizenship of child victims of trafficking; Romania, Iraq, Bulgaria, Serbia-Montenegro, Moldova, Unknown/

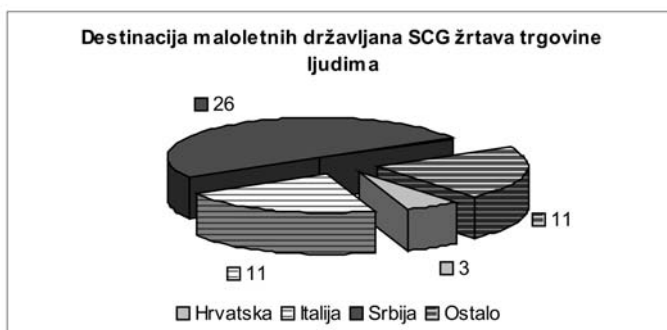
As for the gender of child victims of trafficking, most identified victims were girls (50 -).



/Gender of child victims of trafficking; girls; boys/

The cases we encountered in practice showed that children were most frequently trafficked for the purpose of sexual exploitation, forced begging, forced thievery, forced commission of other crimes, forced marriage, and forced labour.

More than one half of child victims who are citizens of our country (26 of them) are the victims of «internal trafficking in human beings», which means that they remain in the territory of Serbia-Montenegro. As for other destinations, Italy takes the most prominent position, with as many as 11 children from Serbia-Montenegro being found in that country, followed by Croatia (3), Germany (2), Bosnia-Herzegovina (2), Kosovo (2), and so on.



Other: Belgium, France, Slovenia, Macedonia, Sweden

/Destination of child victims of trafficking of Serbian-Montenegrin citizenship; Croatia, Italy, Serbia, Other/

Direct involvement with child victims of trafficking showed us that most usual way for children to become a part of trafficking network (children are usually «recruited») was by way of an advertisement offering education and job opportunities in a foreign country, but there were also cases involving children's parents or other persons close to children. In our practice, we also had several abduction cases. The cases raising exceptional concern are those in which persons from immediate environment of a victim, such as friends, relatives, neighbours,

boyfriend, and the like recruit children offering them to work in cafés, as baby sitters, models or extras. Considering that these persons are all very close to children and in the position of trust, children did not expect them to misuse such position, and did not think it necessary to check their proposals in more detail.

According to testimonies of child victims, they were exposed to constant mental, physical and sexual violence by traffickers. Children found themselves in the situation where they were exploited and unable to make decisions of their free will. They were constantly subject to control and supervision, were not free to move and get in contact with «the outside world». Very often exploiters demanded from them to earn a specific amount of money, or else they were punished. Child victims look frightened, do not speak freely, and more often than not bear the signs of abuse.

Mental and physical violence and torture that child victims are subject to result in serious health problems for the children even after they come out of the trafficking rings. Among other things, children are underfed, dehydrated, suffer from teeth disease, cannot hear and see well, have STDs, HIV/AIDS, urinary infections, and often obvious bruises, haematoma, and fractures. Some girls get pregnant as a result of rape. The cases of addiction diseases (alcoholism, drug addiction) have become increasingly frequent of late.

Practice has shown escape, help from a client or a third person, and police raids to be the possible ways for coming out of rings of human trafficking.

TRENDS

The increase in identified child victims of trafficking is alarming. While in 2002 and 2003 this figure was about 10%, in 2004/2005 it went up to 56%. Children were certainly trafficked in the past as well, but the increase in the number of identified child victims can be explained by the heightened awareness of this phenomenon among the public at large and education of professionals in the relevant institutions. Lamentably, there are still a big number of children who remain unidentified. Estimates are that only between 10% and 25% of victims are identified. As a result, the exact number of child victims remains a black figure. According to one of the latest estimates, every year 1,200,000 children become victims of trafficking worldwide.⁵¹ Without the intention to give arbitrary estimates of the number of victims, the fact is that the problem has grown to considerable proportions and that Serbia is a country of origin, country of transit, and country of destination for human trafficking.

New techniques of child recruitment have appeared, too. Namely, traffickers are most perfidious, often changing the ways they operate, and easily adapting to new circumstances. As a result, in the last year, 2004, we noticed an increase in the number of victims recruited via the Internet. Technological progress of society resulted in an extensive use of the Internet as a global medium, and means for quick exchange of information and efficient communication, but also opened up possibilities for misuse and manipulations, such as the use of the Internet for

51) Information presented at an OSCE Conference in Vienna, in March 2005.

paedophilia, child pornography, and recruitment of victims. Nothing more than a glimpse into various web pages shows multitude of advertisements, and personal contacts in chat rooms, which all indicate to potential threat brought about by this new form of communication. This problem gains particular weight in the light of the fact that most people who navigate the Internet and chat are quite young, considering that it is children who make up a target group of paedophiles and traffickers in human beings.

One of the problems faced by ASTRA in its everyday work is return of our girls from the countries of destination without prior notification to relevant institutions and NGOs; as a result the girls do not have information that medical, psychological, legal or other assistance they need is available.

Another open issue is that of reintegration and resocialization of child victims, which, if carried out successfully, are the best form of prevention from repeated recruitment and abuse of children. That is why we should not disregard the fact that at the moment Serbia does not have a special shelter for child victims of trafficking where most adequate programmes of recovery could be implemented in keeping with the Convention on the Rights of the Child, other relevant documents governing this field, and the best practices in the work with child victims of trafficking.

Sanja Kljajić i Milka Ignjatović

Ministry of labour, employment and social policy of Republic of Serbia

PLACE AND ROLE OF SOCIAL PROTECTION SYSTEM IN COUNTER TRAFFICKING RESPONSE, WITH SPECIAL EMPHASIS ON CHILD VICTIMS OF TRAFFICKING

The Ministry of Employment and Social Policy is represented on the National Team for Fight against Trafficking in Human Beings, and is responsible for providing assistance and protection to the victims of trafficking. From its inception, the National Team took a position that it was necessary to involve all available capacities in the Republic of Serbia and put them in the function of anti-trafficking efforts. The analysis of technical and institutional resources of the social protection system showed that the potential of the system lay with the centres for social work, facilities for accommodation of children without parental care, and institutions for the education of children and youth. Considering that every municipality in Serbia has a centre for social work operating on the principle of team work (a team includes a social worker, a lawyer, a psychologist, and a pedagogue), it can be said that a multidisciplinary approach is taken in addressing the issue and that, with trafficking in people-specific training of available professionals, such approach could contribute significantly to the recognition of this phenomenon and provision of assistance and protection to victims of trafficking, especially children.

Children are particularly at risk as a target group for recruitment of victims. The practice so far showed that child victims had a significant share in the total number of trafficked victims.

The most frequent causes of child trafficking are poverty, unemployment, housing problems, damaged family relations, and household violence.

Children are typically trafficked for exploitation of labour, beggary, theft, work in sex industry, pornographic exploitation, marriage with a minor, and sale of body organs, as a relatively new phenomenon.

Considering the primary role of centres for social work, which is to «provide assistance to citizens and their families when in need of social care, and take steps to prevent the occurrence and alleviate the consequences of such status», all victims of trafficking are evidently eligible for some kind of assistance from the scope of services offered by the centres for social work, while the mandatory involvement of this institution gains particular relevance in case of child victims.

Given below are services and protection measures provided by centres for social work that are of relevance for protection of victims of trafficking:

Material Appropriations

Centre for social work assesses social and economic status of an individual and/or a family and, depending on the findings, may grant the right to income support (also known in every day communication as social welfare). This entitlement may be claimed by an individual and/or a family with no income or with the income below the level of social security, as stipulated by law. Income support is paid monthly.

In addition to monthly income support, victims of trafficking may receive a flat rate subsidy in cash or in kind depending on their current material status and needs. While being limited to the average salary earned in the economic sector in Serbia, the subsidy may be received more than once in a year, depending on the material status of the beneficiary.

If a child victim of trafficking is accommodated in a social protection facility or with another family (family accommodation), the child is entitled to gear including clothes and shoes, and allowance for transportation to the facility or family where he/she is accommodated.

Based on the available resources, any municipality may decide to define additional social protection entitlements, broaden the scope of existing entitlements as compared to that envisaged by the Law on Social Protection and Social Security of Citizens, specify more favourable requirements for access to social protection entitlements, and define other forms of social protection, such as in-kind support, support in procuring fuel, assistance in addressing housing problem, finding a job, and the like.

Social Services

Social services include preventive activities (professional assistance aimed to prevent social and family problems), diagnostics, treatment, and counselling/therapy. These services are available to individuals, families, and social groups to address the hardships they are faced with. When victim of trafficking is a child, the primary considerations of the centres for social work are to duly assess the child's parents and their ability to exercise and discharge parental rights and duties, and based on the findings, to decide on the most adequate forms and measures of protection that are in the best interest of the child. Social services are available to all citizens free of charge.

Accommodation in Social Protection Facilities

There are several types of accommodation facilities for children in the Republic of Serbia (facilities for adults and the elderly are also available, but they will not be discussed within the scope of the present topic):

- 1) Homes for children and youth (some homes have special units for accommodation of victims of household violence);
- 2) Centre for Protection of Infants, Children and Youth;
- 3) Centre for Family Accommodation;

- 4) Home for mentally challenged children and youth;
- 5) Institutions for the education of children and youth;
- 6) Home for disabled children and youth with preserved mental abilities;
- 7) Reception centre;
- 8) Shelter.

1) Homes for children and youth provide home for children and youth without parental care, and children whose development is hampered by family circumstances (until they return to own families once the relevant conditions are met, or are placed in a foster family), until such time as they become capable of living independently or until adoption. Homes with special units for child victims of household violence can also accommodate children who are victims of trafficking. While accommodated in homes, children are provided with health care and medical attention, upbringing and assistance with education and vocational training.

2) Centre for Protection of Infants, Children and Youth - in addition to accommodating parentless children aged 0 to 3 - provides for single pregnant women and mothers with infants of up to one year of age. During their stay at the Centre, the Centre provides preventive health care, medical diagnostics, treatment, rehabilitation and care for the children.

3) Centre for Family Accommodation organises and directly provides accommodation for children without parental care in families other than their natural families, follows up and provides professional help to foster families who are responsible for the care and upbringing of children until the conditions are met for them to return to own families or until they become capable of living and working independently, as the case may be.

4) Home for mentally challenged children and youth houses children and young people with either moderate, severe, or profound level of developmental handicap, or multiple developmental handicap, and children suffering from autism. The home provides appropriate forms of upbringing and education; vocational training and training for work activities that correspond to their mental and physical abilities; activities aimed at eliminating or alleviating the consequences of their condition; and work engagement under special conditions, in accordance with the level of training they have accomplished.

5) Institutions for the education of children and youth provide accommodation, upbringing, education, professional training and health care services for children and young people with behavioural disorders, and take measures aimed to prevent any future violations of generally accepted social norms of behaviour, offences and crimes.

6) Home for disabled children and youth, with preserved mental abilities provides accommodation, health care, upbringing, and recreational, cultural and entertainment activities corresponding to their abilities and level of disability, as well as assistance in education and vocational training.

7) Reception centre for children and youth provides emergency care and short-

term accommodation to children and youth who are found in vagrancy or begging, or are otherwise in need of emergency accommodation on a short-term basis. The Centre provides accommodation, and food, ensures application of medical and hygienic measures, establishes identity and residence of children and youth, and reports about the findings of their condition and behaviour, in an effort to return children to their parents or home where they came from, or to refer them to another institution as soon as possible. Reception centres may be set up within the institutions for the education of children and youth.

8) Shelter for children and youth with social behavioural disorders provides temporary, full-scale care to children and youth referred by a relevant centre for social work or reception centre by way of applying health care and hygienic measures, and providing upbringing, education, and cultural/entertainment activities, and fulfils any other needs the children may have, until such time as an appropriate form of care is established for them.

Children are referred to the above facilities by centres for social work as per place of residence or temporary place of abode. The referral is preceded by professional engagement in establishing the status and identifying specific accommodation needs (foster family or social protection facility) of children.

Guardianship

Child victims of trafficking left without parental care either because their parents abandoned them or failed to provide adequate care or died are placed in the care of a guardian. This measure is enforced by the relevant centre for social work based on place of residence or temporary place of abode of children. When a child is a foreign national, the centre for social work appoints a temporary guardian. In a resolution appointing the guardian, the centre for social work defines specific legal transactions or a type of legal transactions the guardian may undertake, based on the specificities of the case and individual needs of the child, always ensuring that the decisions taken are in the best interest of the child. The centre for social work having jurisdiction over the territory where a child who is a foreign national is found has the authority to impose this measure on the child, irrespective of whether the child is a victim of trafficking or not.

Guardianship of a child means that a person is designated to represent the child in all matters and protect his/her rights and interests. The child's view must be given due weight in appointing a guardian. If the child is aged 10 or more, and is capable of forming views, the child has the right to propose a person to be appointed his/her guardian. In case a guardian cannot be appointed (for the lack of interest, or lack of relatives or other persons eligible to become a guardian), the centre for social work places the child in the direct care of a relevant guardianship body, designating an officer who will discharge the duty of a guardian on behalf of the guardianship body and in the best interest of the child.

The procedure for placing a child in the care of a guardian is conducted as a matter of urgency.

While the initiative for placing a child in the care of a guardian may come from health care or educational institutions, social protection institutions, judicial or governmental authorities, associations or individual citizens, it is the responsibility of the centres for social work to initiate the procedure *ex officio*.

The centre for social work must pass an interim conclusion providing accommodation to a child within 24 hours from the moment it receives notification that the child needs to be placed in the guardian care.

The centre for social work is required to pass without delay the resolution placing a child in the care of a guardian, but no later than 30 days from the moment it has been notified of the need to place a minor in the guardian care.

It is the duty of the guardian to take good care of the person, rights and interests of the ward, to represent the ward, manage his or her property with due diligence, dispose of the property for the purpose of child's maintenance (disposal of property for any purpose other than child's maintenance requires prior approval by the centre for social work), keep the centre for social work informed of the guardianship-related activities, take any measures necessary for obtaining resources to support the ward.

In case the child is a victim of trafficking, the responsibility of the guardian is:

- to ensure that all decisions are taken in the best interest of the child,
- to provide appropriate care, accommodation, psycho-social support, education, and language support,
- to keep the child victim informed, subject to his/her age and understanding, of his/her rights and any protection measures that are being taken,
- to assist the child victim in tracing his/her parents or members of the extended family,
- to provide contact with various organisations that may provide assistance to the child victim,
- in case of repatriation or re-union with the family, to ensure that it is done in the best interest of the child victim,
- to attend all interviews conducted with the child by the police or any other authority or organisation.

The child has the right to request any explanation he/she may need in order to form own views, and his/her views must be taken into account in any procedure deciding on the child's rights, subject to his/her age and maturity.

Child aged 10 or more has the right to express his/her views freely before any authority or organisation taking decisions that affect his/her rights.

Service Co-ordinating the Protection of Victims of Trafficking in Human Beings

The Service Co-ordinating the Protection of Victims of Trafficking in Human Beings plays an important role in the social protection system. This Service is a central body co-ordinating the assistance and protection of victims of trafficking. The name of the service is illustrative of its field of operation, which is co-ordination of all actors (NGOs, embassies, centres for social work, medical

institutions, international organisations, and others of relevance for the assistance to and protection of the victims of trafficking). The primary goal of the Service is to protect victims of trafficking, with special emphasis on protection of children, as particularly vulnerable category that is in need of special protection measures.

Organisation-wise, the Service is a part of the Institution for the Education of Children and Youth in Belgrade, with the operations throughout the territory of the Republic of Serbia. At the moment, the Service employs two professionals (a lawyer and a social worker), who have received additional training in the area of trafficking in human beings and protection of the victims of trafficking. Being available 24 hours a day, 7 days a week, the Service is a highly operational body able to timely respond and provide assistance in emergency protection of the victims of trafficking once they are detected.

The main tasks of the Service are:

1. To identify the needs of the victims of trafficking in people;
2. To refer the victims to an appropriate form of assistance (shelter, social protection facilities, treatment, assistance provided by centres for social work), whenever the victims are children, but also when the victims are adult, Serbian citizens returning to the local environment and in need of assistance during rehabilitation and re-integration;
3. To organise other forms of assistance related to co-ordination, especially in respect of foreign citizens during their stay in the territory of the Republic of Serbia or when returning to their country of origin;
4. As soon as the Service is notified of a potential victim, the Service establishes contact with the victim (we want to point out that the Service has a car, and can visit the victim on location at any time), and informs the victim of the available forms of protection. To include the victim in the protection scheme the Service needs to obtain the victim's consent. If the victim of trafficking is a child, the Service contacts the relevant centre for social work, which proceeds to take protection measures from its area of competence, in co-operation with the Service. Once the victim gives his/her consent, he/she is referred to the Shelter, to a social protection facility or to treatment. The Service does not provide direct assistance (the Service is in direct contact with the victim when they first meet in order to identify the victim's needs and refer him/her to a relevant shelter or facility; when the victim is taken to court for hearings; and when the victim returns to his/her country of origin, in which case the Service is involved in the organisation of the return) nor it makes an independent assessment as to whether one is a victim of trafficking or not. The victim's status is established in co-operation with organisations which provide direct assistance to victims.

Considering that it is mostly the NGOs who provide direct assistance to victims, the Service enters into a co-operation agreement that defines forms and methods of co-operation and the mutual relationship of the parties with each NGO individually.

5. The Service keeps records and maintains documentation about the victims with whom it has established contact that cover the entire territory of the Republic

of Serbia, which may serve as an excellent starting point for future research and planning in this field.

Since it became operational on 1 March 2004 until 25 May 2005, the Service assisted in 62 cases. Of this number, 54 victims were accommodated in the Shelter. The break down of victims by countries is the following:

1. Serbia-Montenegro - 35 victims
2. Romania - 8 victims
3. Moldova - 5 victims
4. Ukraine - 11 victims
5. Bulgaria - 1 victim
6. Iraq - 1 victim
7. Croatia - 1 victim

Of the total number of victims registered with the Service, 20 were minors, of whom:

16 victims were female: 14 – Republic of Serbia
1 – Romania
1 – Iraq

4 victims were male: 1 – Republic of Serbia
1 – Bulgaria
2 – Romania

Eight victims registered with the Service were not accommodated in the Shelter; however, they received other forms of assistance – psycho-social support, legal aid, and health care - subject to their respective needs.

In 14 cases, the relevant centres for social work were involved, because their involvement is required whenever the victim of trafficking is a minor. Most of the 14 victims returned to their families, two citizens of Serbia-Montenegro accepted re-integration scheme, and were referred to the shelter managed by an NGO ATINA, while an underage boy was placed in a foster family.

It should be noted that the social protection system is currently undergoing reform which is implemented in accordance with the attained development level and available means in the country, the international obligations, and in observance of international standards of protection of vulnerable groups, particularly children.

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THE ROLE OF INTERPOL IN ANTI-CHILD TRAFFICKING EFFORTS

As early as the beginning of the last century, the criminal activities went beyond the national borders of the European countries by the intensity of threat they posed to society and broadness of territory they affected, permanently acquiring prefix international. In the period between the two World Wars, the heightened awareness of the need for international police co-operation gave rise to the establishment of the International Criminal Police Organisation. Shortly thereafter, the word Interpol was used in a dispatch as an abbreviation for this international organisation, only to remain its official name till the present day.

The condition precedent for membership in Interpol is international legal personality of the country aspiring to become a member of this international police organisation. From the historical viewpoint, the Kingdom of Serbs, Croats and Slovenes was among the signatory countries which founded Interpol. After many years of discontinued membership in Interpol, ensuing after the break-up of the Socialist Federal Republic of Yugoslavia, in late 2000 the Federal Republic of Yugoslavia became a member of the United Nations and an internationally recognised state, acquiring the right to membership in Interpol. The Federal Republic of Yugoslavia was officially admitted at the Interpol General Assembly held in Budapest on 24 September 2001. On that date, the National Central Bureau (NCB) became operational, serving as a contact point for international police co-operation. It was another name for the Criminal Police Directorate of the Federal Ministry of the Interior; however, when this Ministry ceased to exist in February 2003 - following the passage of the Constitutional Charter and formation of the state union of Serbia-Montenegro - the NCB Serbia-Montenegro, or briefly Interpol Belgrade, started to operate under the name of International Police Co-operation Department of the Criminal Police Directorate of the Serbian Ministry of the Interior. Ever since, Interpol Belgrade has been a bridge for the international police co-operation between the Serbian and Montenegrin Ministries of the Interior on one side and international police authorities on the other.

Duties and tasks of the criminal police include control of criminal activities, by engaging all available human and technical resources with the aim to uncover the circumstances under which crimes are committed, to identify and detain perpetrators, and to secure traces and evidence facilitating unbiased and legally stipulated prosecution and deserved conviction of offenders. In their work, the members of the criminal police pay particular attention to timely exchange of operational information, establishing links between cases through analysis, and

setting up of functional databases. These constitute the core activities of Interpol, which at its headquarters in Lyon, France, has a sophisticated IT infrastructure enabling operation of multiple databases receiving information daily from 182 member countries from all continents. The criterion for setting up a database at Interpol is a specific criminal activity. Thus, Interpol Headquarters operates databases containing information concerning terrorism, trafficking in human beings, child pornography, trafficking in psychotropic drugs, international weapons tracking, maritime crime, stolen works of art and artefacts, forged travelling documents, stolen motor vehicles, DNA profiles, and other. Thanks to Interpol's communication system, I-24/7, criminal police authorities of about 80% of Interpol member countries can securely and quickly exchange messages, photos, finger prints, and algebraic representation of DNA models, as a part of international police co-operation. These functionalities facilitate collation of criminal cases on the local level, but also on the regional and broader international levels. They also help avoid overlapping of jurisdictions of criminal police authorities operating on different national levels, as well as of those operating on the international plane, resulting in improved promptness in responding to criminal activities both internationally and locally, and more efficient uncover of crimes and detection of offenders.

Function-wise, Interpol Belgrade is based on the same principles as Interpol as an organisation, observing, nevertheless, the organisational standards of the regional Secretariats of the Serbian Ministry of the Interior. In other words, lines of operation in Interpol Belgrade coincide with those envisaged under the classification of duties in the Serbian Ministry of the Interior, while the databases and operational procedures are based on Interpol's practice and Constitution.

Child trafficking sector figures prominently amongst many of Interpol's operational sectors. Child pornography database at Interpol's Headquarters, currently containing 400,000 photographs of potential victims of child trafficking, bears witness to that fact. According to crime classification in Interpol Belgrade, the crime of child trafficking is broken down into two offences - crime against children and pornographic exploitation of children. In the period between 1 January 2001 and 30 April 2005, Interpol Belgrade opened 31 cases of pornographic exploitation of children and 51 cases of crime against children. Considering that the cases are formally opened to cover the actual crimes, the above caseload corresponds to the number of cases whose solution involved Interpol Belgrade, and consequently relevant organisational units of both Serbian and Montenegrin Ministries of the Interior. From the analytical point of view, it is important to note that a child trafficking case, as seen through the prism of crime against children or pornographic exploitation of children, may contain personal information, photographs and audio recordings of more than one underage person or several dozens of children. In other words, it means that through the existing cases more than one thousand victims of child trafficking have become known to Interpol Belgrade database over the past five years.

The applicable crime legislation in Serbia subsumes the following crimes under the term of «crime against children»:

- crime of rape,
- crime of sexual assault or unnatural acts with the use of force,
- crime of sexual assault or unnatural act with incapacitated person
- crime of sexual assault or unnatural act with a person of under 14 years of age
- crime of sexual assault or unnatural act by abuse of power/office,
- crime of indecent acts,
- crime of unnatural acts,
- crime of solicitation or facilitation of indecent acts, and
- crime of extramarital union with a minor,
- while the crime of pornographic exploitation of minors is classified separately in Interpol Belgrade.

Drawing on the past regional and international co-operation among the criminal police forces throughout the world, Interpol and Interpol Belgrade know of the following methods of recruitment of victims and/or trafficking in minors:

- through false travel agencies,
- through advertisements or agencies offering jobs to nannies and au pairs,
- through advertisements or agencies offering jobs in catering establishments abroad,
- through advertisements or agencies offering education opportunities abroad,
- through advertisements or agencies offering foreign language courses abroad,
- through child modelling agencies,
- through false beauty schools or academies,
- through false beauty parlours,
- through advertisements and agencies offering possibility to take part in international beauty contests or contests for «the face» of sham fashion companies or sham modelling agencies,
- by way of false engagements,
- by way of false weddings,
- by way of feigned guardianship,
- by way of false adoptions,
- by way of «family visits» to relatives living abroad, when children are trafficked after they cross the border and arrive in the country of destination.

The countries are divided into three categories in respect of the problem matter:

- countries of origin or countries of source, i.e. the countries whose underage citizens are victims of trafficking,
- transit countries, i.e. the countries over whose territories child victims of trafficking are most frequently transferred illegally by using all available modern facilities and types of transportation,
- countries of destination, i.e. the countries in whose territories the victims of child trafficking remain to be exploited and abused, primarily sexually, but also for purposes of forced labour.

Unfortunately, Serbia-Montenegro belongs to the category of countries which are source of child trafficking, particularly in children of Roma and Albanian nationality, who are smuggled through the channels of illegal migration via Croatia,

Bosnia-Herzegovina, and Slovenia to be trafficked into Italy, Austria, Switzerland, Germany, France, Belgium, Spain and other countries of Western Europe. Generally speaking, international routes of illegal migration used for child trafficking lead from Africa and Asia, via the Middle East and Southeast Europe to Western Europe, North America, and Australia. Those routes may also lead from Africa to South America, and further on via Central America to the United States of America, Australia and New Zealand.

The information published by UNICEF research centre in Italy, Innocenti, in a Digest dedicated to the issue of child trafficking bears witness to the gravity of the problem and the extent to which it has gained ground world-wide. According to the Digest issue from May 2005:

- In the UK, hundreds of boys of African origin have disappeared from London schools, and the British authorities are investigating a murder of a child whose torso was found in the River Thames. UK Police believes the crime is linked to pagan magic rituals of African communities whose members live in the territory of the UK;
- The United Arab Emirates supported UNICEF's project of facilitating safe return of underage camel drivers, potential victims of child trafficking, to their home countries;
- In Yemen, six persons were convicted to one year in prison for trafficking children from Yemen into neighbouring countries;
- In Lagos, capital of Nigeria, sixty-four children were found in a container, forty of whom were from the African country of Niger;
- In Ghana, eight boys and three girls were returned to their families, after being rescued from the hands of traffickers;
- Southern regions of India - Tamil Nadu, Theni and Madurai - are main centres for child trafficking in the Indian subcontinent;
- Nepalese authorities, from the region in Western Champaran, said that in a place called Bettiah the Railway Police detained members of an international criminal group trafficking girls for sexual exploitation;
- The US authorities conducted an investigation in New York against a Mexican citizen on suspicion that in 27 cases he forced underage girls of Mexican nationality to prostitution in New York brothels;
- The Brazilian authorities arrested a US citizen from Alabama who falsely presented an underage Mexican boy as his son, with the intention of taking him to the USA.

Interpol's methodology for identification of child victims of trafficking includes matching of victims' photographs with those of missing children that have been exchanged among Interpol members as a part of international police co-operation. Upon request of a member country, Interpol issues yellow notice including a photo and personal details of a missing person, irrespective of age, which means that the particulars of the missing children are also posted in Interpol's central notice system.

The victims of child trafficking are photographed when they are found, but their photos are also to be found in the materials with pornographic contents that are

distributed via the Internet. When a child is shown in an indecent photo, his or her face is magnified so as to make the photo more clear and suitable for comparison. It is particularly important to establish, if possible, whether the child has any distinguishing marks (e.g. birthmark, or a scar on his or her face, upper or lower limbs, and the like). Beside the victim, a photo may show an adult sexually abusing the child, in which case the criminal police focus their attention on the adult (particularly on any distinctive features such as tattoos) in an effort to identify the offender. It is important to take note of the details in the photo pointing to the time and place where it was taken, such as a clock, a magazine or a distinctive part of town (if the photo was taken near the window or the door to the balcony that was open).

A brief overview of child trafficking cases that are handled as a part of practice of Interpol Belgrade will but touch upon the inhumanity and uncivilized character of this crime:

1) In 2002, a mother from a place near Belgrade sold her underage daughter into Italy for 200 euros. The girl managed to escape and sought help from the police since she had been forced to beg and pick pockets. The same year, after return home, her mother sold her into France for the same price. Thanks to a timely response by the officers of the border police station at «Aerodrom Beograd» border crossing, the girl was saved and the offenders detained. Checks made via Interpol showed that the girl had been trafficked before into Italy. To protect the girl from her mother, the relevant centre for social work was notified.

2) In 2002, a girl from a town in Serbia reported to the French police, unwilling to submit to the family of her underage fiancée and engage in begging, thefts, and prostitution. Via Interpol's communications it was established that the girl had been trafficked by her aunt on account of an engagement, which was merely a screen for trafficking in children for commercial sexual exploitation.

3) In 2004, in Bulgaria, a mother delivered her disabled underage son, in the presence of a notary public, to a group of Serbian nationals who intended to transfer him to Italy through illegal channels, where he would be forced to beg. In this case the boy was sold and intended for re-trafficking. However, re-trafficking never took place, because in Serbia he managed to escape from the traffickers and find refuge with the police. The efforts of Interpol Belgrade and Interpol Sofia resulted in uncovering of a child trafficking ring running from Bulgaria via Serbia to Italy. The boy was returned to Bulgaria.

4) In March 2002, in the exchange of operational information at a regular meeting of Anti-Child Trafficking Working Group of the Trafficking in Human Beings Sub-Directorate of Interpol's General Secretariat in Lyon, the representatives of criminal police authorities of the Balkan region came to a conclusion that pregnant Albanian women took organised trips to Bulgaria for childbirth. Having been trafficked even before they were born, the newborns were taken away from their mothers and delivered to traffickers immediately after birth.

5) In 2005, it was established in a joint effort of Interpol Rome and Interpol Belgrade that there were camps on locations in Italy where Roma children were

forced to train in picking pockets, begging and stealing.

6) In 2001, in co-operation between Interpol Paris, Interpol Sofia, and Interpol Belgrade, it was found out that a group of Bulgarian babies were planned to be trafficked into France.

7) In 2005, in a joint effort of Interpol Rome and Interpol Belgrade it was found out that a male person was coming to Serbia from Italy to buy children from poor parents of Roma nationality with the intention of trafficking them into Italy.

8) In 2002, the US Federal Bureau of Investigation seized a piece of post in Florida while working on a controlled delivery of counterfeit travelling documents. Accidentally, instead of the forged passports the post contained lists of visitors to pornographic web pages, showing pictures of sexually abused children. The relevant US authorities, via Interpol Washington, informed the General Secretariat of Interpol, which in turn co-ordinated an action among NCBS of several dozens of countries in Europe, North America, and the Far East to break the rings of paedophilia. Interpol Belgrade was informed about the action, although in this particular case none of the web addresses were from the territory of Serbia-Montenegro.

9) In 2002, the German Federal Police (Bundeskriminalamt) co-ordinated, via Interpol Wiesbaden, a large scale operation to detect and dismantle a network of paedophilia and distribution of indecent contents related to sexual abuse of children via the Internet, in the territory of all member countries of the European Community and some countries in Southeast Europe. Among other things seized in the operation were photographs of two girls who had disappeared as far as in 1992 in Lithuania, and whose disappearance had been duly notified to Interpol and other member countries by Interpol Vilnius. The girls had disappeared in a park in Vilnius when they were 3 and 5 years old, and were found in Spain ten years later. The questions that cannot fail to astonish one's mind in this case are:

- Where did the girls stay for ten years?
- What did they eat and how did they take care of hygiene?
- Did they go to school?
- Who took care of them?
- How is it possible that in Western European countries, where living standards are among the highest in the world, the missing children go unfound for 10 years, even though they appeared in indecent photographs, and hence had to stay somewhere?

10) In 2001, in a coordinated action between Interpol London, Interpol Kiev, Interpol Budapest, Interpol Pretoria, and Interpol Belgrade, it was established that citizens of the countries of Sub-Saharan Africa were involved in hiring or selling their children, who were then taken to a ranch in South Africa to be used for pornographic purposes. The pornographic material was distributed from a computer server in Johannesburg, the Republic of South Africa, to a computer server located in London, which passed on the material to computer servers in Kiev and Budapest. Several persons from Serbia visited web pages with pornographic

contents posted on the server in Budapest via local ISPs. The network of distribution of pornographic contents showing African children was broken up in a joint action of the above NCBs. The Serbian users of the web pages with pornographic contents could not be prosecuted at the time due to lack of relevant legislation.

The above examples illustrate the magnitude of threat child trafficking poses for society and provide background for the role of Interpol in the suppression of crime against children and child pornography. The question that arises from the above is:

- What can mankind hope for when they let children, who are their future, be objectified?

Perhaps the latest action mounted by Interpol can rekindle hope. Starting from October 2004, Interpol London and Interpol Stockholm, in a joint effort with NCBs of Denmark, France, Holland, Malta, Norway and Poland, made it possible to the criminal police authorities of those countries to make several hundreds of arrests in only a few months. Some may say that it was just another police action, but no one can deny that it is yet another chance to identify, find, save, and return to their families the child victims of trafficking.

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JUDICIARY – PLACE AND ROLE OF JUDICIAL AUTHORITIES IN PREVENTING AND COMBATING CHILD TRAFFICKING

The cases before national courts involving child victims of human trafficking are not numerous, but the efficiency of the Ministry of the Interior in uncovering such criminal offences and the data provided by non-governmental organizations on an increasing number of the cases reported call for urgent preparation of the national judicial authorities for tackling such criminal offences⁵², and for recognizing and efficiently responding to all forms of such criminal acts. This also implies the recognition of the stand that the efforts the judicial bodies are investing in the prosecution of such criminal offences constitute part of the overall combat against this crime form and, at the same time, the best possible way for the victims to exercise justice. These efforts also represent an important link in the prevention activities. This paper is a reflection on the open issue of child-trafficking, the grim reality that children increasingly often fall prey to such crime, the work of judicial authorities and current possibilities, practical problems and possible solutions.

Importance and Role of Judicial Authorities in Child Trafficking Prevention

In combating child trafficking, the procedure itself, strict policy of prosecution and punishment, and imposition of penalties on traffickers actually represent the most significant contribution of the judiciary system to such crime prevention. To this end, the most important measures include the quantum of penalties and their proportionality to the seriousness of the offence, the incidence of penalties, the imposition of supplementary penalties, particularly punishment of public servants that may have been involved in the commission or concealment of an offence – punishment of each form of corruption.

The main approach the judicial authorities should adopt in addressing such criminal offences must be actually based on human rights and the rights of the child embodied in the relevant international documents - the UN Convention on the Rights of the Child adopted in 1989 and the European Convention of the Rights of the Child from 1996, the Convention against Transnational Organized Crime and Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children from 2000, and other documents adopted in the form of guidelines, recommendations and the like, passed by the relevant international organizations. Since the position of the injured party is subject of consideration in the proceedings, the following documents are of particular

52) So far the Judicial Centre and the Association of Judges have organized several seminars on human trafficking particularly focusing on women trafficking.

importance: The Declaration of Basic Principles for Justice for Victims of Crime and Abuse of Power; The Council of Europe: Recommendation no. R (2000) 11, on action against trafficking in human beings for the purpose of sexual exploitation; The Council of Europe: Recommendation no. R (885), on the position of victims in the Penal Law and Procedures; UN - High Commissioner for Human Rights (2002): The Recommendation of Principles and Guidelines on Human Rights and Human Trafficking.

The general public and often experts in this matter level most of the criticism at the judiciary system being too lenient in enforcing the punishment policy. However, since trafficking in human beings as a new criminal offence stipulated in the Penal Law of the Republic of Serbia⁵³ is subject to severe punishment and even more severe in cases involving minors as victims of criminal offences, the law itself has, in some way, obliged the judicial authorities to impose stricter punishments.

In the court proceedings where human trafficking is concerned, and particularly in those involving child victims, it is important, both for the administration of justice in favour of victims, and deterrence of this form of crime in particular, to impose supplementary penalties and ensure the compensation of damages to the victims in the course of the criminal proceedings. The Penal Law provides for the possibility of confiscating the proceeds gained by committing a criminal offence: Article 39a of the Basic Penal Law⁵⁴ envisages the possibility of confiscating property and the possibility of implementing security measures: seizure of articles – Article 69 of the Basic Penal Law, confiscation of the proceeds gained by committing a criminal offence – Articles 84-87 of the Basic Penal Law, and also the possibility of adjudicating property-related claims for the recovery of articles and compensation of damages – Articles 201-211 of the Code of Criminal Procedure⁵⁵.

Adjudicating property-related claims raised by the injured parties in the criminal proceedings is unjustifiably neglected and mostly not applied, even if property-related claims have already been raised⁵⁶. Later on, in other proceedings (civil) victims most frequently do not even attempt to exercise such rights.

If a child is the victim of the crime of human trafficking, his/her rights would be best realised by compensation of damages in the course of the criminal proceedings. This would make it possible for a child to restore his/her life to normality in a

53) The Penal Law of the Republic of Serbia, Official Journal of the SRS, 26/77, 28/77, 43/87, 20/79, 24/84, 39/86, 51/87, 6/89, 42/89, 21/90; Official Journal of the RS, 16/90, 26/91, 75/91, 9/92, 49/92, 51/92, 23/93, 67/93, 47/94, 17/95, 44/98, 10/02, 11/02, 80/02, 39/03, 67/03.

54) Basic Penal Law, Official Journal of the SFRY, 44/76, 36/77, 34/84, 37/84, 74/87, 57/89, 3/90, 38/90, 45/90 i 54/90, Official Journal of the FRJ, 35/92, 16/93, 37/93, 24/94, 61/01, Official Journal of the RS, 39/03.

55) The Code of Criminal Procedure, Official Journal of the FRJ, 70/01, 68/02; Official Journal of the RS, 58/04.

56) In the case against a well-known trafficker in women before the District Court of Belgrade, who was accused of several offences, including the crime of acting as intermediary in prostitution as referred to in Article 251 of the Basic Penal Law, the proxy of the girls as the injured parties raised and formulated a property-related claim, but the court instructed the injured parties to seek satisfaction in civil action.

swifter and easier manner, to continue education, etc. The damage compensation issue is completely neglected in local proceedings and judgments.⁵⁷

In the criminal proceedings, it is necessary that the injured party first be acquainted with the right to claim compensation, and that this matter be seriously addressed and resolved during the criminal proceedings, whenever possible. Otherwise, the victim is at risk of not receiving any material compensation whatsoever, even in the proceedings involving property confiscation, as is the case in the criminal proceedings related to organized crime offences, or in due processes involving the seizure of the proceeds of the crime. Notwithstanding the fact that the law does not impose any obligation on the court to decide on this matter during the criminal proceedings, one should always use the possibility of resolving a property-related claim, if already raised. This implies that the injured parties should first be acquainted with this right, the manner of its formulation and the possibilities of the exercise thereof, because such claims are not, as generally believed, inconsistent with the requirements for swifter and more cost-effective criminal proceedings.

Certain legal systems envisage the option that the state should grant compensation against property-related claims, in case the same cannot be obtained from the accused. For the time being, this country has not established a special fund whatsoever, which would include the proceeds seized from the accused who gained benefits from the commission of a criminal offence (the crime of human trafficking and similar offences, e.g. acting as intermediary in prostitution), which could later be used for paying compensations to the injured parties, providing accommodation for the victims and creating conditions for their recovery and reintegration.

Relevant Substantive Law Provisions

The Penal Law of the Republic of Serbia as amended on 11 April 2003 punishes the crime of trafficking in human beings as referred to in Article 111b thereof. Under these amendments, the national legislation incorporated the crimes relevant for this matter –exploitation of minors for pornography- as stipulated in Article 111a and forcible removal of human organs or bodily parts, as stipulated in Article 54a of the Basic Penal Law of the Republic of Serbia.

Article 111b of the Penal Law provides for more stringent punishment (a minimum of five years' imprisonment) if the crime has been committed against a minor, whereas if the crime has been committed against a person of under 14 years of age, the perpetrator shall be sentenced to a prison term as prescribed for the respective criminal offence (from 1 to 10 years) even if he did not use force, threat or any other method to commit such offence.

Similarly, other criminal offences involving underage victims as injured parties may also be treated as child trafficking. These are, first of all neglect and

57) The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Article 6, Item 6: "Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered".

maltreatment of minors as stipulated in Article 118, extramarital union with a minor – Article 115, coercion into entering a marriage contract – Article 113a (also included in the Penal Law of the Republic of Serbia by virtue of its 2003 amendments), abduction of minors – Article 116, alteration of family status - Article 117, crimes against personal dignity and morality referred to in Chapter 12 of the Penal Law of the Republic of Serbia, as well as other criminal acts such as: kidnapping - Article 64, illegal arrest - Article 63 of the Penal Law of the Republic of Serbia, etc.

Before the 2003 amendments to the Penal Law, the issue of human trafficking, and child trafficking as well, had most often been treated in practice as the crime of forcing into slavery and transportation of persons forced into slavery - Article 155 of the Basic Penal Law (such cases were rather rare) and the crime of acting as intermediary in prostitution referred to in Article 251 of the Basic Penal Law.

Course of Criminal Proceedings and Relevant Procedural Possibilities of Victim Protection

The criminal proceedings include several stages, from filing a criminal complaint to passing a final and enforceable judgement. In the proceedings involving child victims of human trafficking, apart from the requirements for evidence collection, a just and lawful judgement and fair proceedings, it is also imperative to ensure the necessary security for the child and protect his/her needs and rights.

First of all, it is necessary to recognize the child's position of a victim and to release a child from any liability, either tortuous or criminal, for the offences that have arisen from the child's position in the crime of human trafficking provided, however, that the child is of the age which permits that such procedures be conducted against him/her (for example, on the grounds of engaging in prostitution or possessing false documents and the like)⁵⁸.

In a series of its provisions, the Code of Criminal Procedure envisages a special status of a minor as the injured party in the proceedings. These provisions refer to the actions taken in the course of the proceedings through the legal representative, and in particular: minors aged over 16 may take actions and/or give statements by themselves (Article 65); exemption from the obligation to testify (Article 98); service of summons upon minors (Article 101), which is always conducted through the legal representative or guardian; it is not possible to bring a minor before the court, nor may he/she bear any consequences for his/her failure to appear; hearing of minors (Article 102), which is always conducted in the presence of the legal representative and professionals, as may be required; the provisions governing the exclusion of public to protect the interests of a minor (Article 292 of the Code of Criminal Procedure); and the obligation setting out that, if the minor attends the main hearing as a witness or injured party, he/she should be removed from the court room once his/her presence is no longer needed (Article 328 of the Code of

58) To ensure that child victims of human trafficking are not subject to criminal procedures or sanctions for the criminal acts that have arisen from the position they were placed in.

Criminal Procedure).⁵⁹ The specific provisions of the Code of Criminal Procedure pertaining to minors as the injured parties in the proceedings reflect the need to protect the minor in the proceedings, although other provisions related to the injured parties apply to minors, as well (e.g. the possibility of raising a property-related claim).

The proceedings conducted before courts for the crimes of human trafficking involving child victims and/or parties injured by a criminal act should take account of at least the following two facts:

1. the fact that victims are children, which calls for additional precautionary measures during their participation in the proceedings
2. the fact that children have been exposed to some sort of violence⁶⁰

The care for the injured parties in the proceedings, particularly when children are concerned, also imposes the question of child safety, meaning that a child must be protected from other participants in the proceedings, especially from those whose interests are opposed and to whom the child's testimony is not conducive in the eyes of the general public. This also refers to the child's housing and his/her possible reintegration. Certain care and attention should be paid to the issue of the child's whereabouts and contacts with the services which accommodated the child, which is necessary for the purpose of an unhindered conduct of the proceedings, as well.

The issue of the child's safety and security during the entire course of the proceedings are of particular importance when deciding on the abolishment of detention and release of the convict. Certain legislations envisage that before the accused is released, the injured party should be notified in advance thereof, but such notification is not provided for either in the Code of Criminal Procedure, or in the Law on the Execution of Criminal Sanctions⁶¹.

For the security of the injured party and a child as the injured party in the proceedings, the Code of Criminal Procedure envisages that "at the proposal of the investigative judge or chamber president, the president of the court or the public prosecutor may require that the law enforcement authorities apply special measures to protect the witness and the accused" (Article 109).

These measures have not been listed even for information purposes and no special act has been adopted to prescribe the content of such measures, while, in practice, the injured party was normally provided police escort to the place where he/she is to give evidence. In any case, apart from the specific child protection, these measures should also include the protection of the child's close persons or persons who care for the child. This gap should be bridged by adopting a special witness protection law, which has not been done yet.

Another important issue related to the proceedings involving minors as the victims of criminal offences is the exclusion of public since this represents a way

⁵⁹ These provisions are listed as per the order stipulated in the Code of Criminal Procedure.
⁶⁰ Protected in the interests of minors, Article 292 in the Code of Criminal Procedure lays the grounds for excluding public for the purposes of maintaining confidentiality, keeping public order, protecting morality, the interests of minors or the private or family life of the accused or the injured party. The 1697/10

the public shall be excluded is stipulated in Article 293 of the Code of Criminal Procedure, whereby such exclusion does not apply to the parties, the injured party, and their legal representatives and defence attorneys. Official persons, professionals and the like may appear at the main hearing, which is closed to the public, while the attendees are warned that the information they learn must be kept confidential and that any disclosure of a secret shall be qualified as a criminal offence. Similar provisions apply to the inspection of documents, which, pursuant to Article 170 of the Code of Criminal Procedure, may be allowed to anyone who have reasonable interest in doing so; while in cases where the public is excluded from the main hearing, or the right to privacy is likely to be flagrantly violated, deliberation-related activities (transcribing, photo-copying and the like) may be denied or stipulated with a ban on the public use of the names of the participants in the proceedings. This right does not apply to the accused.

The issue of the exclusion of public and provision of the data on the child itself and the proceedings has two aspects: one related to the protection of the accused and his/her close persons, and the other referring to the general public.

With regard to the accused and his/her defence attorney, it is not possible to withhold the data about the child, his/her address and the like. However, the practice shows that witnesses and injured parties are most often exposed to threats by the accused and his/her close persons, relatives or associates. For the time being, in some proceedings involving girl victims of the crime of “acting as intermediary in prostitution” (Article 251 of the Penal Law of Serbia and Montenegro) who were accommodated in a shelter home, their address remained undisclosed. A possible solution, once the risk has been identified, is to quote the address of the Centre for Social Work and service the summons via the Centre or the Ministry of the Interior in order to avoid entering the address of the child and his/her family on the record. This would neither breach the proceedings, nor will the accused be deprived of his/her rights, since the accused and his/her defence attorney are not prevented from familiarizing themselves with the content of the testimony. Certain legislations lay down legal possibilities for withholding the data from the witnesses and injured parties.

With regard to the public and the public disclosure of the data on a child victim being the injured party in the criminal proceedings, relevant are also the provisions of the Law on the Media⁶², which specifies in Article 41 entitled „Protection of Minors“ that „a minor shall not be made recognizable in the information which may be harmful to his/her right or interest“.

In practice, we have also identified as a problem numerous cases of sensationalist coverage of various criminal proceedings and child victims in a manner which renders them recognizable to themselves and the people in their environment. Such coverage was provided in articles on pornographic video footage of children of Kragujevac and Čačak, in which the readers could discern the identity of the children concerned. Frequently, the media - more frequently newspapers, carry

62) The Law on the Media, Official Journal of the RS, 43/03 and 61/05.

excerpts or full transcripts of the adducing of evidence in cases conducted with the exclusion of public, and even in cases when children were injured parties.⁶³ In this manner, the provisions of the Code of Criminal Procedure are flagrantly infringed and child rights violated by both the persons who publicize what they have learnt in the absence of public, and the media.

Yet another aspect of child protection in the course of the proceedings concerns the recognition and care of the child's need to be treated with respect and sympathy and the recognition of the need for a specific treatment, taking account of the child's age and violence to which it was subjected.

It often happens that during the criminal proceedings, the victims exposed to violence, suffering, and attacks on their honour and dignity, state they are no longer willing to testify and repeat the same arguments over and over again etc. In many cases, the treatment received in criminal proceedings subjects the victim to secondary victimization.

This is of particular importance when a child is concerned, so that besides the strict respect for legal norms which take account of the child's involvement and call for careful treatment, it is likewise necessary thoroughly to prepare every interrogation, compile in advance the questions to be asked, consult the professionals (psychologist, educator) about the right timing for commencing such interrogation and the child's ability to testify, and ensure the presence of these persons, the parents and persons in a position of trust during interrogation which, in the long run, is mandatory under the Code of Criminal Procedure. However, at issue here is not solely the respect for legal provisions, but also specific sympathy during the child's questioning. Within the time limits set for the completion of the proceedings, and in cases in which the court is obligated promptly to act if the accused is in custody, in consultations with the relevant professionals, the child should always be allotted sufficient time to prepare itself to testify, particularly time to summon up courage and recover from violence to which it was subjected.

The interrogation of a child, the injured party in the proceedings, and the evaluation of such testimony, always requires the knowledge of a specific relationship the child established with the abuser usually being the only person who the child relied on in meeting its daily subsistence needs (the need for food) and the like, and of the relationship of dependency, particularly if the child ended up in the trafficking chain.

The applicable Code of Criminal Procedure contains a provision which was seldom used in practice – the possibility of taping the investigative activities. Article 179 of the Code of Criminal Procedure envisages that the investigative judge may decide that the investigative proceedings be taped by means of audio or visual recording devices, provided that the person to be examined is notified of such video-taping in advance. Such recording is treated as all other evidence and is adduced, i.e. played at the main hearing. Having in mind the fact that it is

63) The case in which a two-month-old infant was allegedly sexually abused. The suspects in that case made statements to the press and were even photographed.

extremely difficult for the injured parties who were victims of violence, for those whose dignity was harmed, and particularly for children, to repeat their testimony and speak of violence, the possibility of applying this measure should be considered, regardless of its non-compulsory status, and irrespective of the difficulties in its execution, which at present, refer to the technical equipment and technical capacities of the courts before which the proceedings are conducted.

In cases when it is required to re-interrogate the child at the main hearing, the provision stipulated under the law may always be applied envisaging a temporary removal of the defendant from the courtroom during the interrogation of the witness or co-defendant (Article 324 of the Code of Criminal Procedure). This provision is not applied whenever plausible and required.

Likewise, it should be made possible for the child to participate in the proceedings by expressing views, being informed of the course of the proceedings and the like whenever possible, and when the child's age and personal circumstances so permit; in any case, all of this may be done through the immediate caretaker.

The issue of the child's legal status implies that it ought to be treated with care during interrogation. In the course of such interrogation, avoided should the questions which could be seen as discriminatory against the child, could injure its dignity or interfere with its privacy, lead one to draw inferences about the person of the child, or degrade its person. To present evidence by way of confrontation is most often impracticable or very hard to stage, hence the question arises as to whether it would spawn any fresh facts at all, while at the same time, in most of the cases, it is a traumatic experience for the child.

Child protection also raises the question of assigning a proxy to safeguard the child's interest. Regardless of the role of the public prosecutor who is primarily vested with public powers, and of the fact that the child has a legal practitioner, in proceedings for such criminal offences, the injured party, i.e. child should be assigned a proxy, whenever possible. This is envisaged by a special provision set forth in Article 66 of the Code of Criminal Procedure. Given that normally, at issue are socially-vulnerable categories, the parents and/or guardians cannot afford an attorney proxy, and often neither the organizations accommodating the child, e.g. shelter homes, can set aside any funds to pay for the fees of the attorney chosen. Therefore, it is possible to assign a proxy to safeguard the child's rights and participate in the proceedings, which is also provided for by the law.

The Bill on Juvenile Offenders and Criminal Protection of Juveniles

The National Assembly of Serbia is soon expected to adopt a Law on Juvenile Offenders and Criminal Protection of Juveniles which, as indicated in Article 1 of the Bill, contains the provisions applied to juvenile offenders and refer to substantive criminal law, the authorities responsible for its application, the criminal procedure and the execution of criminal sanctions against juvenile offenders, that is, provisions which have so far been included in the Code of Criminal Procedure, and the provisions applied to adults if tried for offences they committed as minors.

Under the Bill, for the first time, the provisions related to minors in the criminal procedure are incorporated into a separate law. In this manner, by separating the procedure against adult offenders, importance is attached precisely to the fact that the proceedings are conducted against an underage person.

What is most important is actually the fact that (consistently honouring the request that, if minors appear in criminal proceedings, such proceedings should be regarded special exclusively due to this fact) the provisions addressing the protection of children and minors as injured parties in the criminal proceedings, are separated into a special section of the Law. It is the practice that imposed a need for the adoption of such provisions. Some are the same or similar to those which have so far been included in the Code of Criminal Procedure, while others are brand new.

Part Three of this Code is entitled “Special Provisions on the Protection of Children, Minors and Underage Persons as Injured Parties in the Criminal Proceedings». The Law first lists the criminal offences⁶⁴, and then stipulates that, when adult offenders of the listed criminal offences stand trial and if a minor is an injured party in such proceedings, the presiding judge should be the one who has acquired special expertise in the sphere of child rights and the criminal protection of underage persons. The public prosecutor who likewise is well-versed in the same spheres institutes the proceedings for the listed criminal offences, while the investigation is conducted by the investigative judge who has acquired the aforementioned special expertise, and by specialized internal affairs officers.⁶⁵

A separate provision regulates the interrogation of minors and the attitude of the authority conducting the proceedings towards the minor. First of all, account should be taken of the age and personal traits of the injured party, and the circumstances in which he or she lives. When a minor is examined as a witness, the number of interviews is limited to two, while, exceptionally, that number may be higher, if required. The very interrogation is performed with the assistance of a psychologist, educator or other professional. It is also possible to question the minor using technical devices for audio and video transmission, provided that such a method is called for in view of the peculiarity of the offence and personal traits, to conduct the interrogation in the absence of the parties and other participants in the proceedings and to ask questions through the judge, psychologist, educator,

64) Capital murder (Article 114), aiding and abetting suicide (Article 119), infliction of serious bodily harm (Article 112), kidnapping (Article 134), rape (Article 178), sexual assault on an incapacitated person (Article 179), sexual intercourse with a child (Article 180), sexual assault by abuse of power (Article 181), prohibited sexual acts (Article 182), procuring or permitting sexual intercourse (Article 183), acting as intermediary in prostitution (Article 184), exhibition of pornographic material and exploiting children for pornography (Article 185), extramarital union with a minor (Article 19), abduction of a minor (Article 191), alteration of family status (Article 192), neglect and maltreatment of minors (Article 193), domestic violence (Article 194), failure to pay alimony (Article 15), incest (Article 197), grand larceny (Article 205), robbery (Article 2), extortion (Article 214), facilitation of drug use (Article 247), war crime against the civilian population (Article 372), human trafficking (Article 388), child trafficking for adoption (Article 389), forcing into slavery and transportation of persons forced into slavery (Article 390).

65) The persons in question will probably be the judges (prosecutors, police officers) who have so far dealt with the cases involving minors and children, and who have acquired a vast relevant experience and practice.

social worker or other professional. When examined as witnesses-injured parties, junior minors may be questioned at their place or on some other premises, in the authorized institution or organization qualified for this purpose. During the interrogation, the use of audio and video devices may also be ordered. If the person was questioned using these devices, the interrogation records are read out at the main hearing, that is, such recording is played back.

The novelty introduced envisages that as of the first hearing of the accused, a minor being the injured party must have an attorney- proxy, otherwise the court will assign one from the ranks of the attorneys who acquired special expertise in the sphere of child rights; hence the same requirement is imposed as for the appointment of investigative judge, prosecutor and chamber president. It is envisaged that the attorney-proxy is appointed by the president of the court and that the costs of representation be covered from the court's budget.⁶⁶

As for the investigative activities, special emphasis is laid on identification which should always be carried out with particular prudence, and through all phases of the proceedings in the manner which fully prevents the accused from seeing this person.

Particularly stressed is the urgency of the proceedings and a duly implementation of other provisions of the Code of Criminal Procedure when they are not in contravention of these provisions.

Some of the Forms of Child Trafficking

Other than for the purposes of sexual exploitation, child trafficking may also be conducted for the purpose of engaging a child in forced labour, armed conflicts,⁶⁷ criminal activities, child pornography, beggary, and with a view to removing organs from them etc.

In local circumstances, beggary is a particularly interesting form of child trafficking. Officially, child trafficking in this country for the purpose of beggary is not organized. However, the authorities of foreign countries, e.g. Italy, are confronted with the problem of child beggars - children from Serbia trafficked to Italy via organized channels and forced into beggary at the hands of organized crime. The situation is the same in other large cities of Western Europe. In our streets, little beggars are organized and most frequently, it is precisely through sale

66) It is necessary to allocate special funds from which the proxies will be paid since not infrequently are the courts in default on payments to the lawyers assigned, for lack of financial means. This option is also called for due to the problem which arose following the introduction of a provision into the Code of Criminal Procedure envisaging that the accused be assigned a defence attorney already at the first examination wherefore no sufficient funds had been set aside. For this reason, many lawyers refused to be engaged in such cases.

67) London - Boys and girls are in the front line of wars across the world, and even when the fighting has finished they are largely neglected in the peace process, a report of the Stop Use of Child Soldiers non-governmental organization said. From Afghanistan to Zimbabwe, governments and armed opposition groups have recruited children in their thousands and either trained them to kill or used them as sex slaves, the report of the Stop Use of Child Soldiers non-governmental organization, headquartered in London, concluded.
The Danas daily newspaper, 19 November 2004.

that they end up in the hands of organizers. However, in reality, several cases have been identified of parents selling their children precisely to the persons who deal with the organization of beggary.⁶⁸

It is only in future, when we commit ourselves to combating beggary through at least several orchestrated activities, that we may be able to identify veritable organized channels of child trafficking for this purpose. A special problem encountered in this form of child trafficking is that the use of children for begging often entails mutilation. After being found, these children most often cannot be reunited with their families because they are at risk of being re-sold, whereas housing facilities in this country are limited in number and children can be taken away from them anew or otherwise re-engaged in the begging activities.

Even before (before human trafficking was defined), the Penal Law of the Republic of Serbia, by virtue of Article 118 entitled Neglect and Maltreatment of Minors, had sanctioned the exploitation of children for beggary, forced or excessive labour, or labour which is inconsistent with the child's age.

The engagement of children in child pornography has already become the issue we have had to confront. A PC and, in some cases, the Internet as well, is used as a medium for the commission of a criminal offence. This criminal offence is qualified as a separate offence under Article 111a of the Penal Law of the Republic of Serbia, or more precisely in its 2003 amendments.

The commission of a criminal offence implies not only the production of a photograph, film or other footage for the purpose of compiling a material of pornographic content, but also the sale, dissemination, and exhibition of such material, and enticing a minor to engage in pornographic performances. A more serious form of the offence is at issue if the offence was committed against a person of under 14 years of age. The compulsory seizure of objects and assets is stipulated.

Activities aimed at uncovering major rings of persons of various profiles involved in the exploitation of children for pornographic purposes are very frequent in the world. That we would not be spared was all too logical to expect, hence the first cases were revealed here as well.

There are many cases involving the commission of criminal offences via the Internet. These offences have raised the issue of the identification of the children

68) In Aleksinac on 20 January, the parents of five minors and four more persons were sentenced to a total of 16.5 years' imprisonment. On charges of selling their children for beggary, the court in Aleksinac sentenced Zoran Janković, the father of the five children sold, to 2.5 years' imprisonment and Milijarda Kostić, the children's mother, to a prison term of 2.5 years, 2 years on parole. The verdict says that they sold five of their nine underage children, aged between six and ten, for 1,250 euros. The court in Aleksinac also sentenced the Stanković brothers, Zoran, Dragiša, Milenko and Slobodan, to 3.5 years' imprisonment respectively, on charges of procuring and forcing the children into beggary. The court found that the children were coerced to beg in Niš, Belgrade and other large towns in Serbia. Although at first the parents denied to have sold the children, in the course of the trial, however, they acknowledged their guilt. This case involving the sale of five children emerged in public on 1 December last year when the police arrested Zoran Janković of the village of Prčilovica and the four Stanković brothers. Radio B 92, the news bulletin for 22 January 2005.

and persons involved in the production of the images and footage concerned, as more often only the distributors of such images and footage are revealed, and of whether the identification of distributors alone suffices, particularly if such material features the most horrendous forms of abuse, and not only sexual. Then, yet another problem arises, this being a meticulous collection of evidence, given that the police authorities investigating a case are not allowed to inspect the content of computers, digital cameras or cameras on their own, that is, in the absence of expert witnesses. Then, both the judges and prosecutors participating in a trial should possess computer and Internet skills. Naturally, as the commission of this offence knows no boundaries, the question is raised of international cooperation between the authorities engaged in the detection and prosecution of this offence.

The instances of child trafficking in this country include the sale of children for marriage, which is primarily rampant within the Roma community. However, they are not the only ones pursuing such practices. It is a well-known fact that in villages around Požarevac and Negotin, and, of course, in the towns proper, marriages are concluded at a very young age. In this country, persons under 18 years of age may obtain a marriage licence in a special procedure. Besides the court, other bodies are also included in the procedure, and each of them, for their part, bear the responsibility for a thorough contemplation of each individual case to establish whether the marriage is entered into for domestic labour or for pecuniary or any other compensation, what is the age difference between the individuals entering into marriage, and whether there exist elements pointing to child trafficking activities, rather than a simple application for the issuance of a marriage licence.

The same is with an extramarital union with a minor – the crime set forth in Article 115 of the Penal Law of the Republic of Serbia. Over the past 10-15 years, no such case whatsoever was prosecuted, at least before the courts in Belgrade. Furthermore, some opinions were voiced in favour of the elimination of this offence due to its being outdated. In the context of child trafficking, the question arises as to whether even this offence actually represents a disguise for the procurement and sale of children.

Besides trafficking in human beings, a number of criminal offences listed in Section 13 of the Penal Law of the Republic of Serbia actually pertain to various forms of placing a child in a position where his or her fundamental rights and dignity are violated and family relations disturbed. The crimes at issue are as follows: abduction of minors – Article 116, alteration of family status - Article 117, neglect and maltreatment of minors – Article 118 of the Penal Law of the Republic of Serbia.

It would be inappropriate to address the issue of the so-called theft of new-born babies, given that some of the proceedings are still under way and that some have been wound up, yet the fact is that the acquisition and/or sale of babies in the neighbouring countries has been identified as a problem. Therefore, in view of our present circumstances, we are more than likely to encounter such instances in the

near future. They normally entail the implication of both public servants and professionals – doctors and medical staff in the commission of the offence and once again raise the ever-painful issue of corruption.⁶⁹

There is yet another case which demands extra caution from judges and persons dealing with minors, primarily centres for social work, that are to establish whether the instances of child trafficking and the organization of children for criminal activities are in question. When it comes to an increase in juvenile delinquency, not only is this figure always highlighted, but also a rise in delinquency among children under 14 years of age who are not subject to court measures and procedures, but rather to those of social care. This fact is conducive to criminals who often use children or minors in most of their activities, including theft and the trafficking of drugs, armament, and forged money. For this reason, these procedures call for an extra review as to whether the children concerned are organized and used for such purposes.

69) There is a well-known case which involved a local medical institution where the accused bought the baby of another woman with the aid of a mediating doctor. The accused received the documents for the bought baby falsely stating that she gave birth to the infant. The doctor and the woman who bought the baby were convicted by the court in Belgrade. Since the crime of human trafficking was non-existent at the time, originally the court delivered the final and binding judgment sentencing the doctor to a prison term for the abuse of power and the woman for buying the baby. Against an extraordinary legal remedy, the Supreme Court repealed both judgments (first-instance and second-instance which confirmed the former) and referred the case back to the court of first instance for re-trial.

Vesna Stanojević
Domestic Violence Counselling Centre

ON THE SHELTER FOR VICTIMS OF HUMAN TRAFFICKING WITH SPECIAL REFERENCE TO CHILD TRAFFICKING

Domestic violence counselling centre

The Counselling Centre is a non-governmental, non-profit and relief organization founded in 1996 with the aim of assisting women and child victims of domestic and other forms of violence.

At first, besides telephone and direct conversation with women, the Counselling Centre also provided legal aid and legal representation, as well as psychotherapeutical care for women who sought support.

In 2000, the Counselling Centre set up the first reception centre for women and child victims of violence. The opening of another reception centre for women and child victims of violence followed in 2004.

Since the time the Counselling Centre was founded, some 700 women and child victims of domestic violence have been accommodated and aided by the reception centres.

In January 2002, a shelter for victims of human trafficking began operating within the Counselling Centre.

Ever since it was founded, this Shelter has housed 176 persons, including children.

In 2002	57
In 2003	47
In 2004	45
In 2005 (to date)	26

Per country of origin:

Moldova	50
Serbia-Montenegro	44
Romania	37
Ukraine	35
Russia	5
Georgia	4
Albania	1
Bulgaria	1
Iraq	1

What does the shelter provide and why was it founded?

Back in 2001, the foundation of shelters was included in the list of priorities as a form of immediate protection needed for the victim's recovery and his or her reintegration or re-socialisation. The standards of work in shelters were determined and the criteria and requirements which the shelters should meet were defined.

Precisely in accordance therewith, the first shelter for women victims of human trafficking, that is, victims of sex trafficking was set up in Belgrade in January 2002.

The shelter provides the girls and children identified as victims of human trafficking or possible victims with the following:

- Psychological counselling,
- Social welfare assistance,
- Medical aid or health care services,
- Legal representation,
- Services of translation into the mother tongue,
- Educational and creative workshops.

The shelter was founded in order to provide safety and security for the girls and children, help them to emerge from physical and psychological crises they suffered as victims of human trafficking, secure a better future for them, and render them strong enough not to fall prey again to human traffickers once they are repatriated. Likewise, it aims to help these girls to reintegrate into the community either through education or re-training so as to be able to find a job and discover economic opportunities for a life devoid of any form of violence.

It should also be said that what emerges from the statements obtained at the Shelter is that every girl victim of human trafficking was both the victim and witness to horrendous violence in her nuclear family. More precisely, growing up in poverty, violence perpetrated by, for instance, the father against the mother, the low education level and lack of information, contribute to young girls' being drawn into the rings of human trafficking, without their even referring to some of the information that may be available. When child trafficking is concerned, that image is not the same.

At the shelter, five girls provide counselling and support for victims in shifts 24 hours a day. They aim to lend assistance and protection to them so as to prevent the girls from ending up in the hands of traffickers or being influenced by them anew in any respect. The shelter is of a closed type, meaning that the movement of victims is restricted for security reasons.

When it comes to women victims who are foreign nationals, they are issued so-called humanitarian visas which imply a 3-month sojourn in this country, with a possibility of extension for a maximum of one year if the girls are witnesses in court proceedings.

The facilities and/or locations where the shelters are situated have been repeatedly changed precisely for reasons of security of the girls and children accommodated therein. Whenever it was suspected that the address of the shelter

might have been uncovered or that the shelter was at risk of being exposed, it would be relocated.

Child trafficking

Since its foundation, the Shelter has housed 29 children as follows:

Up to 12 years of age	5
Up to 16 years of age	15
Up to 17 years of age	5
Up to 3 years of age	4

Out of this number, five were victims of labour exploitation, 21 victims of sex abuse, and 3 were victims of trafficking for marriage.

Per country of origin of child victims:

Serbia-Montenegro	16
Romania	6
Moldova	2
Georgia	2
Bulgaria	1
Iraq	1

Per year:

In 2002	5
In 2003	3
In 2004	14
In 2005	5

The following cases from the Shelter's practice are some of the examples of child trafficking:

A girl of Baghdad, aged 12, accompanied by a man both of them claimed to be her father, was stopped at Surčin airport (it was noticed that in the passport of the man concerned the girl's name was added as if she were his daughter).

The man was remanded in custody, and the girl was accompanied by the UNHCR to the shelter.

Both of them were transfer passengers on route to Denmark where he had lived and worked for 20 years, that is, ever since he had fled Iraq in the face of Saddam Hussein's regime.

The man was placed in 30-day custody and in the meantime, he admitted that the girl was not his daughter but his niece. At first, communication with the girl was conducted in the English language which she had learnt at school, and with the constant assistance of an interpreter.

After 30 days, the girl's uncle was deported to Denmark.

The girl, who was born into an average Iraqi family where, among other things, to wear the hijab was mandatory, swiftly adjusted to the local environment, because

it is precisely the motive of freedom (women's position, dressing etc.) coupled with the war that raged in the country over a lengthy period of time that made her flee her country. By arrangement with her uncle, she decided to leave her home since he promised her a life she had always dreamed of.

The uncle is unmarried and has no children. The letters he had sent to the girl and photographs of small children he took across Iraq raised some doubts about the sincerity of his intentions.

The girl stayed in the shelter for seven months, during which time she attended the classes of Serbian.

Since Iraq is a war-affected country, it was only after three months that contact with her parents was established. Meanwhile, the competent Centre for Social Work, in cooperation with the Service Coordinating the Protection of Victims of Human Trafficking, the UNHCR and police, assigned a guardian to the girl.

The girl's parents arrived during the sixth month of her stay in Serbia. A month before the arrival of her parents, the girl's uncle had gone to Bosnia from whence he attempted to make an illegal entry into Serbia (he was banned entry), yet he was arrested and once again sent to prison for 30 days.

The girl's parents stayed in Serbia for a month, during which time several meetings with her were staged. However, she refused to return home.

Since there were no grounds for the girl to remain in Serbia, the Centre for Social Work and the UNHCR decided to send her back to Iraq along with her parents.

A boy of Roma nationality, aged 11, arrived at the shelter accompanied by the ASTRA non-governmental organization and the Service Coordinating the Protection of Victims of Human Trafficking.

The boy was deserted by his mother when he was less than a year old and his father went abroad leaving little M. in the care of his grandmother. The boy was taken care of by his grandmother for four years only thereafter to be taken over by his aunt. The aunt's son forced him into beggary and seized all the money from him. Besides, he physically and sexually abused the boy and even procured him to other people. A warrant of arrest for this man was issued in Macedonia. In Serbia he had his own group which dealt with organized crime. The boy tried to run away several times, but he would soon be caught.

During his latest flight at the age of 10, he was received by a middle-aged man of Roma nationality, who is married and a father of ten.

After a while, the man who abused him discovered the boy's hideout and along with his group burst into the house grabbing M. and two girls who happened to be in at the time. The children screamed in defence which caught the attention of the neighbours who immediately called the police. The police took the children to the shelter. After being contacted, the Centre for Social Work decided that the girls should go home after a couple of days (the girls went with their families to another town for security reasons), while the boy remained.

After two months in the shelter, the boy was sent into foster care.

Two boys of Romanian nationality, N, aged 14 and O, aged 16, arrived at the shelter as victims of labour exploitation.

O. entered this country with his mother who sold goods at a flea-market in Pančevo. The boy lived in unsanitary conditions, his movement was restricted and his mother did not give him money to meet his basic needs, such as food and clothing, although he worked all day long.

Another boy, N., entered this country illegally and he too toiled at the flea market from dawn till dusk just for food and accommodation.

The two of them met there and decided to flee to Italy via Croatia.

They were in possession of no documents and were caught as they attempted illegally to cross over from Serbia into Croatia.

The boys ran away from the shelter on the second day of their stay there.

A 15-year-old boy of Bulgarian nationality was accommodated by the shelter for several days.

The boy was born with a physical impairment (with no fingers on his hands). When he was one year old, his father abandoned him and his mother. The child's mother soon remarried and left B. with his grandmother who took care of him. B. finished special school.

Over the past year, B. lived with his mother, stepfather and their three children.

He was a burden to them due to his condition, so the child's mother sold him to a man for 50 euros. The latter brought B. to Serbia and held him locked up in a house. B. heard that someone was to come to buy him and take him to Italy to beg.

On the premises where he was confined he found an album with photos of children with development disorders who had likewise been sold somewhere in Europe.

B. managed to flee back to Belgrade where he recounted everything to the police.

After his stay at the shelter, the boy was reunited with his grandmother in Bulgaria.

A girl of Kosovo of Roma nationality, aged 13, was caught as she attempted illegally to cross the Serbia-Croatia border with her aunt.

The girl's aunt said they were going to the wedding party staged by their relatives who lived in Croatia. The police established that the girl's aunt intended to sell her.

The aunt was remanded in custody, whereas the girl was accommodated in the shelter.

Two days after, the girl's father and his relatives came to the shelter to pick her up.

The girl returned to Kosovo.

S., a twelve-year old girl of Roma nationality, lived with her mother, father and a younger sister.

Her father drank heavily and when drunk he would physically abuse her mother and sometimes even the girl herself. They are poor. S. did not go to school and she cannot read and write. Having fallen in love with a 32-year-old man, she fled to him seeking refuge from her father's beatings. The girl's father came to ask for money from the man but when the latter refused to do so, he brought the girl back home only to sell her for 500 euros to a man of 40 after a few days. That man beat and sexually abused her. S. managed to escape and seek police assistance.

S. has an elder sister whom her father sold into Italy.

The girl's father was arrested and she returned home to live with her mother and sister.

As indicated in the above example, children are trafficked by adult persons they are familiar with, most often by their parents or some of their kins. Child trafficking in this country is still an insufficiently explored phenomenon. Moreover, there are more children in the trafficking network, particularly in the beggary segment, than we have information about it. Children are also trafficked in certain ethnic communities in line with specific rules of common law. It is necessary to exert influence on adults by way of raising their awareness and conducting preventive and educational activities to help them understand that child rights are guaranteed by law and that any form of child abuse will be punished. The entire society is engaged in the fight against child trafficking, and co-operation between institutions, police authorities, centres for social work and judiciary may only contribute to reducing the number of victims. Naturally, this also implies certain social programmes to be implemented in the whole of Serbian territory.

An average stay of the girls in the Shelter is as follows:

2002	29 days
2003	44 days
2004	27 days

How long she would remain in the Shelter also depends on whether the girl is a witness in court proceedings. If so, she must stay in Serbia.

The girls who have been housed by the Shelter so far have arrived there with the assistance of the police, the IOM (International Organization for Migrations) and the ASTRA non-governmental organization.

In 2002	IOM	36
police		21
In 2003	IOM	23
	police	19
	ASTRA	4

In 2004	IOM	8
	Police	6
	Astra	1
	Service	29
	UNHCR	1

The Service Coordinating the Protection of Victims of Human Trafficking was founded in March 2004 as part of the Ministry of Labour, Employment and Social Welfare Policy. The shelter maintains good cooperation with the said Service.

The provision of shelter is not fully regulated. In 2002, the shelter received police protection with plainclothes policemen making daily rounds of it. However, ever since the federal Ministry of the Interior was abolished, the Shelter has addressed municipal police departments if need be. This has been functioning relatively well as there has been no serious need for intervention.

The persons accommodated in the Shelter are offered two possibilities: the repatriation programmes for foreign nationals and the reintegration programmes for our nationals. Both programmes are being successfully implemented to the extent the girls themselves find it appropriate. The Centres for Social Work are engaged in cases where children are involved since their assistance in such situations is requisite.

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CLINICAL FORENSIC MEDICINE AND ITS APPLICATION TO CASES OF TRAFFICKING IN HUMAN BEINGS

Introduction to this presentation requires a brief explanation of the role of forensic medicine in protecting victims of trafficking in human beings. Namely, the term “forensic medicine” is misinterpreted even by some professionals who often associate it with forensic pathology, which is related to post mortem examination. Both the lay public and regrettably professionals are insufficiently aware of the broader context of forensic medicine that includes also examination of living patients who have been victims of various incidents. What is a comparatively recent approach here is actually a well-known Western concept of “clinical forensic medicine”. Hence, in clinical forensic medicine, rules of forensic medicine are applied to working with living patients who were victims of various incidents or criminal acts, with a view to properly documenting their bodily injuries and explaining how they occurred and also to collecting and preserving adequate biological specimens, such as blood samples, swabs from the genital area, in case of victims of sex crimes, or hair, etc. This presentation will further focus on how clinical forensic medicine approaches victims of trafficking in human beings.

In the process of trafficking in human beings, victims go through several stages and during each of these stages they may be exposed to certain harmful effects to their health, which may not necessarily be limited just to infliction of bodily injuries or mental trauma. For instance, at the point of destination, victims of trafficking may be subjected to forced and exhausting physical labour, which, if it persists, may adversely affect their health. Given the specific nature of trafficking in human beings in the Balkans and cases found there, it is necessary to emphasize that victims of trafficking are often involved in the so-called “sex industry”, being forced to prostitution. Through prostitution, they are exposed to numerous sexual contacts that involve the risk of contracting various sexually transmitted diseases (STDs). Due to numerous sexual contacts, victims may also be exposed to unwanted pregnancies and subsequent problems associated with termination of pregnancy (abortion), resulting mostly in infections, genital inflammation or injuries during the termination procedure, etc. Finally, regardless of whether the victims were exposed to forced labour or forced prostitution or sometimes to both, they are often physically abused (harmed) by their traffickers. Furthermore, living conditions at the point of destination are often inadequate, with poor quality of food. Living in such conditions for a long period of time may affect the victims’ health. One must also bear in mind the fact that, while being under control of their traffickers, victims often reside illegally in a country and are thus denied access to

the health care system. On the other hand, traffickers, fearing possible identification if their victims come in contact with a medical institution, often deny them any possibility of receiving medical examination or assistance. Prolonged deprivation of health care services, given especially the above risks that the victims have been exposed to for many years, may additionally aggravate their health and increase morbidity. Through their traffickers, victims are very often linked to organized crime, both national and international. Apart from being involved in human trafficking and other criminal activities, these organized criminal groups are often involved in production of and/or dealing in narcotics. Hence, victims may often come in contact with narcotics and become addicted to such substances. Abuse of substances, either narcotics or alcohol (or a combination of the two) may lead to further deterioration of the victims' health.

When analyzing relevant medical literature, one finds a large number of studies and articles focusing on health problems associated with trafficking in human beings. It is highly encouraging that the problem of human trafficking is being increasingly addressed as a problem related to public health, both locally and globally. However, relevant medical literature written in local languages of countries of the former Yugoslavia and even of countries of the Balkan region lacks sufficient articles and studies dealing with this topic. The situation is similar when it comes to relevant education (both within basic and post-graduate studies) at medical schools. Therefore, our impression is that health problems of victims of human trafficking are still being insufficiently addressed by professional medical circles.

This presentation is not designed to lecture clinicians on how to treat certain conditions, but to point out which conditions or specific kinds of injuries or certain medical findings in general, if they are properly considered and interpreted, may be associated with trafficking in human beings. Hence, there is a multitude of answers to a question of what one can "find out" while examining a patient in relatively modest conditions of an out-patient clinic that would help identify that patient as a possible victim of trafficking. As stated above, victims of trafficking are often exposed to physical abuse, including brutal beating and infliction of serious injuries, which sometimes resemble torture that occurs during armed conflicts or staying in prisons or camps, etc. In such cases, examination may reveal numerous injuries on different parts of the body. Very often, these injuries differ in age (e.g. haematoma of different colours) and the victim is usually unable to properly explain how they were sustained. The injuries may also be localized in such a way as to indicate, for instance, infliction in self-defence. Also, it is possible to identify the signs of injuries that occurred a long time ago, such as bony calluses localized on the ribs and found during rib cage X-ray or subcapsular spleen haematoma found during abdominal ultrasound examination, etc. Given the fact that victims of human trafficking are often forced to prostitution, numerous effects of this may be found, including but not being limited to the presence of sexually transmitted diseases and infections that may also be sexually transmitted (such as HIV/AIDS, hepatitis B and hepatitis C), unwanted pregnancy or effects of frequent terminations of pregnancy (abortions). In any case, the above list of potential

harmful effects to the health of victims of trafficking in human beings may also include various harmful effects to their mental health. However, since harmful effects to the victims' mental health are beyond the scope of expertise of the authors of this presentation, this problem will not be elaborated further. Due to specific living conditions, victims may manifest different conditions, such as malnutrition, hypovitaminosis, avitaminosis and disorders in growth and development (if the victims are children still growing up), etc. Finally, all the adverse effects listed above may manifest in combination with harmful effects resulting from substance abuse – abuse of alcohol or drugs.

Medical professionals – doctors, nurses and others may contribute to the struggle against trafficking in human beings by working actively on identification of potential cases of trafficking and by reporting each case to relevant state authorities, primarily to the police, and by providing adequate explanation for such reports. Certainly the main duty of medical institutions is to take care of their patients and to treat them properly and, therefore, such responsibilities will not be discussed in this presentation. However, if during an examination and based on its findings, circumstances or other factors, a medical professional suspects that a patient is a victim of human trafficking, such a patient should be subjected to a very detailed examination, which should be supported by adequate medical records. One must take into account the fact that sometimes medical records may later serve as crucial evidence in court. Finally, given the fact that trafficking in human beings is, among other things, a problem of public health, one must ask whether a medical institution is also required to register and monitor this phenomenon.

Let us now go back to the duty to report suspicion that a patient is a victim of trafficking in human beings. We must be reminded of the fact that local legislation provides for an obligation to report perpetrators of criminal offences or a suspicion that serious crimes have been committed, the crimes involving prison sentences of five years and more. These crimes include trafficking in human beings and all crimes against human dignity and morality (such as rape, unnatural fornication, etc.) and some other crimes. Furthermore, if medical personnel, while performing their professional duty, have found out about a crime that has been committed or about its perpetrator and have consciously failed to report it, they may also face criminal prosecution for failure to report such a crime or its perpetrator. However, the obligation of medical personnel to report suspicion of trafficking in human beings is not only a matter of law, but also a matter of ethics. Medical professionals often hide behind professional (medical) ethics and obligation of professional (medical) secrecy for no reason whatsoever. Thus, some of them state that while examining or talking to a patient, they found out that the patient was a victim of trafficking, but they failed to report the case in order not to violate professional (medical) confidentiality. One must bear in mind the fact that although medical institutions and doctors can administer adequate therapy to patients and treat or cure infections or effects of injuries suffered by victims of trafficking, neither medical institutions nor their doctors can save the victims from their traffickers or rescue them from circumstances in which their health was harmed or in which their

injuries were sustained. Therefore, care and protection provided to victims in medical institutions will remain limited in scope, unless other relevant services are involved in this process – the police, judiciary, social welfare institutions, etc. In order to activate these services and let them contribute to solving a particular problem, each case must be reported to them. For these very reasons, in addition to legal obligations related to dealing with victims of trafficking in human beings, there is also a moral obligation of medical professionals (doctors) to report each and every suspicious case, because the interest to report them is far more important than the interest of professional (medical) confidentiality.

Looking at medical institutions, we will perceive numerous problems which reduce their efficiency in fighting trafficking in human beings. These problems may be organizational in nature – e.g. due to insufficient sensitivity of medical staff and their co-workers to problems of trafficking in human beings. Problems can also occur in direct work with victims – e.g. due to difficulties in contact with victims who often do not speak the local language, due to impatience of the police and/or investigative agencies that are eager for the medical examination to be completed as soon as possible so that they can proceed with their respective part of the job. Finally, very often health care institutions are not in a position to ensure subsequent, long-term monitoring of victims of trafficking in human beings or to analyze the scope of consequences that will remain upon the victim's removal from the trafficking chain and upon administration of proper therapy. This is very important because, after being rescued from their traffickers, victims often return to their country of origin or leave for a third country and direct contact and exchange of information among health care institutions in this domain leave much to be desired.

Given the specific nature of approach of clinical forensic medicine, this presentation will mainly focus on this area. Clinical forensic examination is aimed at identifying and documenting the victim's bodily injuries (and their effects) and at collecting and preserving biological and other specimens and testing them (e.g. using traceological, forensic-genetic, toxicological and other tests). However, this approach often insists on examination of person(s) that are suspected of having inflicted the injuries upon or committed sexual violence against a victim. The reason for this is the presence of traces of violence on the assailant's body if the assailant has been in close contact with the victim. Such traces, if collected in a timely and proper fashion, may be established and proved using scientific methods. Moreover, in certain cases, a victim may inflict bodily injuries on the assailant in self-defence. By documenting certain injuries on the assailant's body, it is sometimes possible to establish an unambiguous link between that person and the victim and/or with the crime scene.

Clinical forensic examination of a victim requires performance of a detailed and comprehensive bodily examination. All changes, especially injuries, need to be described in keeping with certain standards and principles (localization, shape, size and characteristics of a change/injury). The findings should be displayed on a body map or sketch of a particular part of the body. Such a map may provide an insight into the distribution of bodily injuries, which is of crucial importance for analyzing

the infliction mechanism. No matter how thoroughly the injuries may be described, they are still best recorded if they are photographed. One must bear in mind the fact that various kinds of mechanical and physical trauma, seen in most victims of trafficking in human beings, tend to disappear in a relatively short period of time upon infliction, without leaving unambiguous traces of their existence, such as scars, marks etc. Therefore, it is very important to document the injuries by photographing them. It is necessary to stress that photographs of injuries are no substitute for their narrative description, but are complementary to the records of examination. An integral part of clinical forensic medical examination is extracting and preserving traces, such as taking swabs, contents from under the fingernails, bodily hair, blood samples, etc. Based on properly performed and documented clinical forensic medical examination or its findings, it is possible to prove the existence of bodily injuries. Here, we mostly refer to injuries which may be comparatively irrelevant clinically and therapeutically (e.g. small, crescent-shaped lacerations or scratches on the victim's skin that might have been inflicted by the assailant's nails). Even though such injuries are of minor clinical importance, sometimes they may be of tremendous forensic importance – for instance, scratches that are established to have been inflicted by nails are conducive to a conclusion that the assailant was holding the victim with his hands, etc. Also, good quality of documentation and determination of bodily injuries in general are conducive to a conclusion concerning the seriousness of bodily injuries (i.e. qualification of injuries). According to distribution, appearance and other characteristics of the injuries that were found during the examination, it is possible to draw conclusions related to the mechanism of injury or to the manner in which an incident (resulting in injuries) has occurred.

Looking at the current practice of clinicians working with victims of violence, including victims of trafficking in human beings, we shall see that medical reports are mostly unsatisfactory as they contain incomplete and inconclusive descriptions of injuries. As a rule, this documentation lacks body maps or photographs of injuries. It is also necessary to underscore that there are no protocols or guidelines on best practices that would instruct practitioners how to document bodily injuries. Situation in this domain is similar in other countries, showing that the lack of satisfactory medical records of bodily injuries that are prepared by clinicians, as a result of their inadequate knowledge and training in clinical forensic medicine, is a universal problem.

For operational purposes, practicing clinical forensic medicine in suspected cases of trafficking in human beings may be divided into the following stages:

- Clinical examinations of female victims
- Collecting specimens for traceological tests
- Collecting specimens for toxicological tests
- Establishing – estimating the victim's age
- Taking swabs for purposes of screening for blood infections and STDs
- Clinical examinations of suspects.

Clinical examinations of female victims of trafficking in human beings are aimed

at establishing and documenting bodily injuries or their effects, at establishing and documenting any signs of recent termination of pregnancy (abortion) and at establishing and documenting any signs of anal penetration, especially in cases involving repeated penetration. Furthermore, examination of a suspected victim of trafficking in human beings requires collection of adequate biological specimens, including taking of swabs from different sites of the body, as well as hair, blood samples, etc. Laboratory tests of these specimens will help establish whether the patient had a sexual contact with a particular person. If proper biological specimens are collected during a clinical forensic examination, most often a blood sample drawn from a vein or a urine sample, it will be possible, if necessary, to run a chemical and toxicological test in order to establish whether the patient was under an influence of a chemical substance, e.g. drug or alcohol.

In a number of cases, victims of trafficking in human beings are found in no possession of any personal or identification documents. In such a situation, investigative bodies may have a problem with determining a person's age or they may suspect the validity of age-related information given by the victim. The reason for this is because sometimes victims believe it is better for them to say that they are younger or older than they actually are so that legislation governing minors, for instance, could be applied to them. Clinical forensic examination can help estimate the age of such a patient on the basis of certain elements contained in the clinical findings (presence and level of development of secondary sexual characteristics), dental examination (teething pace) and X-ray examination (analysis of the degree of ossification). The precision of such estimates is rather satisfactory, especially in determining whether a patient belongs to the age group of around 14, 18 or above 22 years.

Finally, clinical examination of a victim of trafficking in human beings is a good opportunity to screen the patient for sexually transmitted diseases (syphilis, gonorrhoea, Chlamydia), as well as for other infections that may be sexually transmitted (HIV/AIDS, hepatitis B and hepatitis C). Test results may serve as a basis for another screening (after the maximum incubation period has elapsed) to check, for instance, whether a victim of trafficking who was forced to prostitution, during which she was exposed to high-risk sexual intercourses, has been infected. The importance of such information is manifold – first, for the victim herself, as she will need proper medical assistance in case of infection, and second, from the standpoint of public health and epidemiology, this may be used to better analyze the information concerning the trend of such infections within the population. Ultimately, in certain cases, the fact that one person has infected another person with a serious disease (for example, with HIV/AIDS) may serve as a useful piece of information in terms of instigating and conducting criminal proceedings.

It is necessary to stress that, in certain cases, it is very useful also to examine persons who are suspected of having committed certain crimes, such as rape, unnatural fornication, etc. From the point of view of forensic medicine, in all cases where a victim and a perpetrator have been in direct contact (e.g. through a sexual intercourse, infliction of injuries, defence from being injured, etc), it is reasonable

to expect that, by using proper methods, certain injuries can be established also on the perpetrator's body, which might have been inflicted by the victim in self-defence, as well as biological traces that would help establish a link between the perpetrator and the victim and/or the crime scene. Given the above, it is highly recommended to perform an adequate clinical forensic examination of suspected perpetrators of crimes.

To conclude this presentation, we shall note that applying clinical forensic medicine to working with victims of trafficking in human beings can help standardize the examination approach, using a single protocol. Once a comprehensive examination has been performed and its findings properly documented, there will be no need to repeat the examination, which will considerably reduce secondary victimization. Given the fact that clinical forensic findings are well-documented, they may serve as solid evidence in court. Finally, medical facts established in this way may also be used to assess the level of non-material damage sustained by victims of trafficking in human beings.

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CHILD TRAFFICKING AND THE MEDIA

Child trafficking is practically marginal topic in the local media. Press articles and reports in the electronic media appear very rarely, and when they do, they are usually at the bottom of the page or towards the end of news programmes. Child trafficking is as (un)represented in the national media as any other topic concerning children and children's rights. While adult programmes hardly ever make mention of children - except when an accident or a serious violence case takes place - children's programmes offered by TV stations are dominated by cartoons (brimming with violence more often than not), children's TV series, and various quiz shows and games. Once superb TV Belgrade's educational programme today is merely a pale copy of what it once was. The situation is similar with children's page in newspapers (usually published only once a week, and in very few daily newspapers).

Of numerous reasons for poor representation of children in the media, one is insufficient awareness of the fact that children are equal and full members of society, and the other is a very small number of journalists who specialize in this field. Admittedly, journalism in the country is in such a state that, due to serious financial difficulties, the media often lack staff to cover the mainstream political events, let alone «some children's rights». Also, with burning social issues such as approximation to the European Union, transition, relationship between Serbia and Montenegro, future status of Kosovo, and attitude towards crimes from the past period, there is hardly any room for many other pertinent topics, child rights included.

Child trafficking is not covered any better. It is discussed sporadically, and only when a victim is identified, or when an international or non-governmental organisation holds a meeting dedicated to the topic of trafficking in human beings. This is best illustrated by examples from the daily newspapers. Ebart/Media Documentation shows that in March 2004 the daily newspapers reported about child trafficking in the beginning and in the end of the month. On 3 March all newspapers reported about a round table discussion organised the day before by a non-governmental organisation Save the Children. Thereafter, no reports were made until 25 March, when the press reported about a conference on trafficking in human beings that was organised in Belgrade by the Stability Pact for Southeast Europe. Then there was nothing until late June 2004, when the press wrote about the topic on the occasion of a report issued by the Victimology Society of Serbia, then again nothing until 4 August, when everyone reported about »Take Care of Yourself« campaign launched by the International Organisation for Migration (IOM) and an NGO Beosuport. In the first quarter of 2005, articles appeared in the press about protests of parents looking for their children who were suspected to have been stolen from them immediately after birth, about a web site to help find the missing babies, and about a proposal to set up an inquiry committee in the Serbian Parliament to investigate the allegations.

The above examples clearly show a pattern in the media coverage of child trafficking. The press and electronic media merely »react« to the events, rarely investigating the topic. That may be a good indicator for all organisations involved in anti-child trafficking efforts to organise meetings, round table discussions and press conferences more frequently, contributing thus to better representation of child trafficking in the media.

Well, not everything is so gloomy. Some serious and comprehensive articles about trafficking in people, including child trafficking, were published in all daily and weekly newspapers over the past couple of years, helping raise public awareness of this issue. Numerous workshops and seminars were organised over the past five years to educate journalists about this phenomenon, enabling them to cover this area with improved competence; nevertheless, they still make mistakes unknowingly.

The most frequent of mistakes is that they fail to protect victim's identity, stating his or her full name and sometimes even showing a picture, which can hardly be beneficial for the victim. So far from it that the experiences of victims should not be reported. They should indeed, in order to better inform the public about all facets of trafficking in people, but subject to some rules and maximum protection of victims. First of all, by no means should victims' identity be revealed or their photograph published. As for the electronic media, it is recommended to distort victims' voice or to blur their face, so that no one could recognise them. When the victim comes from a small place, even the name of the place should be omitted, since one of the problems facing the victims of trafficking is rejection by their environment, isolation and stigmatisation. One should always bear in mind that the criminals trafficking children and adults follow the media too, and that they could recognize a former victim of theirs and possibly try to retaliate for putting them at risk with the story.

Great majority of the public believes that the biggest problem concerning the media presentation of trafficking in women is sensationalism. Nearly all participants - representatives of the police and centres for social work, lawyers, judges, medical staff and teachers - at a workshop recently organised by the Child Rights Centre pointed to that fact. They all agreed that the media should report about child trafficking, nevertheless their role should be primarily educational one since the general public in Serbia still knows little about this phenomenon. With the available information pointing to the growing number of children becoming regular »clients« of shelters for the trafficked victims, they should certainly be better informed. In 2004 and the first six months of 2005 their number reached 29. Most of them were girls and young women who were forced into prostitution - 21. Alarming is the fact that an increasing number of victims come from Serbia.

The most common example of sensationalism in the print media is publication of photographs of girls in the nude to illustrate the articles about trafficking in women (at the time when the present text was written, the latest example was that from NIN weekly of 14 July 2005). The editors probably think that such photos will catch the readers' attention, but they seem to forget that by doing so they steer

the associations of the readership in a completely wrong direction. Namely, that is the way to put trafficking in children and women on an even footing with prostitution, although one thing everyone involved in trafficking prevention insists on is that those two phenomena should not be equated by any means. The victims of trafficking are forced into prostitution in various, sometimes very cruel ways.

The professionals engaged in prevention of trafficking in human beings, particularly NGO members, complain that journalists always insist on interviewing victims. Journalists generally argue that such interviews are most attractive for readers, listeners or viewers, who find it much easier to identify with the victim and his/her story through a specific story. Counter argument is that it is the way to traumatize the victim, who by talking about his/her experiences actually lives once again through the nasty and traumatic events that took place while she was in captivity. While it is true that by talking about the events (primarily with psychologists) the victim can face up to the »demons from the past« and more or less successfully overcome her problems, the journalists can never know how their interviewee (almost all victims of trafficking are women) will react to any specific question.

This may be overcome only through responsible journalism and respect for the victim's human rights. When someone decides to talk about the ordeal they have been through and about the violence they suffered, then he/she must be provided maximum security. Reporting about personal experiences is valuable for everyone who reads the article in the newspapers, or sees or hears the report on TV or the radio. Potential victims learn something new and become more cautious as a result, while the parents can better protect their children. That is exactly why journalists, too, must protect their interlocutors as much as possible by not disclosing their identity, but also by letting them take the control of the interview and finish the interview whenever they want to. (It happened to me once that I stopped an interview with a victim of trafficking in women before the end when my interviewee showed me how her hands shook every time she was in the presence of men, although it was almost two years since she had escaped from the brothel where she was a captive.) If possible, that is if the victim is mentally ready, it is best to organise interview in several sessions or with short breaks, since the psychological condition of the interviewee should always come before a journalist's article or report.

Naturally, the message we send with our texts or reports is also important, and it is questionable what message we are going to send if we miss to emphasise the difference between trafficking in women and prostitution, or if we publish a photograph of a nude woman swinging around a pole next to our article only for the sake of attracting the readers' attention.

Since the child victims who want to speak publicly about their experiences are few, journalists must seek to present child trafficking from other perspectives, and they are many. Some of them include: forms of trafficking in human beings, recruitment methods, financial aspects of trafficking, trials and court proceedings, corruption (both in the police and the judiciary) and trafficking in human beings, international police co-operation, victim re-integration into society, and

prevention. Particular attention should be paid to the fact that the victims of child trafficking are minors, which gives additional importance to the media presentation of this topic.

As I already motioned, it seems that in our country children are not recognised as a separate social group and fully-fledged members of society, and as a result are under-represented in the media. Moreover, being unable »to represent themselves«, children need more protection and care from adults, and hence better representation in the media. That is why I believe that all organisations involved with children and child rights should intensify their activities to educate the public and raise their awareness of the role of the child in society. However, journalists should also make more effort and take more interest in children as a subject of their investigations. Unfortunately, the current extent of their interest is best shown by the fact that a very important two-day conference discussing the need to appoint Ombudsman for children, held two months ago in Belgrade, was barely covered by the press.

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INTERNET – DANGERS AND POTENTIAL ADVANTAGES

A Brief History of the Internet

In the late 1960's the US Government encouraged the development of a computer network that would be operational even after a nuclear attack, the so-called ARPANet (Defence Advanced Research Projects Network). The network interconnected various academic institutions and research capacities in the private sector.

In the years that followed, the Internet, as the network was dubbed, was used for the exchange of information among remote computer systems.

Working in the European Centre for Nuclear Research in Geneva (CERN), Tim Berners Lee made in 1989 a working model for linking documents by hypertext. The model became known as the World Wide Web and very soon replaced earlier attempts to exchange and disseminate documents.

Until then, the use of such resources was confined strictly to the world of technically skilled individuals. In the late 1980's, commercial values of computers were recognized and soon thereafter computers acceptable for operation by non-technical persons were created, too.

The terms of cyberspace, infosphere and Internet are heard quite often, and many tend to mix them up. The fact is that the Internet is an integral part of the former two. Cyberspace includes all other computer and telecommunications systems using different standards for data transmission, such as telephone networks, TV, radio, private database networks, and all other military, police, bank and financial networks.

Infosphere is more of a philosophical term, set up in such a manner so as to represent a part of biosphere.

To clarify the terms, two close relatives of the Internet should also be mentioned, intranet and extranet.

Intranets are networks that use the same technologies as the Internet, limiting access to exclusively authorised users. Such networks are used only within companies and organisations. Extranets are networks with limited access for exclusively authorised users from other companies and organisations who share information.

The Internet

There are many views of what the Internet actually is, and each of them depends on the viewer.

From the point of view of a non-technical person the Internet may be represented figuratively as a big city without any physical manifestations, or the so-called Virtual City. It has many units and entities that are to be found in a real city as well, such as libraries, banks, and other financial institutions, newsstands, publishing houses, shops, radio stations, TV channels, hobby clubs, advertising companies, and other.

It is a strong democratic environment dominated by the freedom of speech.

That implies that anyone can become, for example, a publisher by by-passing traditional editorial procedures, and also that information found on the Internet range from authoritative and valid to bizarre and absurd, a great deal of which is insulting and/or illegal, such as child pornography and pirated material.

In viewing the Internet as a city, its uniqueness is reflected in the fact that it has neither the government nor the police, and very little law. Crime is highly profitable activity on the Internet and takes many forms, such as thefts, misuse of payment cards and personal data, stealing of intellectual property, money-related frauds, and other crimes.

From the point of view of a technical person, the Internet is a web of interconnected networks using TCP/IP (Transport Control Protocol/Internet Protocol), http (HyperText Transfer Protocol) and other similar standards.

Other views are economic (the Internet as an economic, commercial entity on its own, with developed B2C – business-to-consumer and B2B – business-to-business types of commerce), legal (in terms of finding new ways to regulate numerous violations of rights by law, etc.), political (in terms of distribution of political power on local, national and international levels, accelerated development of some parts of the world, etc.), and geopolitical (according to which the Internet is seen as an island in the Sea of Knowledge).

Definitions of Child Pornography

There is a number of definitions of child pornography, but most frequently used ones, in addition to a general dictionary definition, are those offered by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography, Interpol's Specialist Group on Crimes Against Children, ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes), and Convention on Cybercrime of the Council of Europe.

Similarities in Definitions

They are obvious. Each of the definitions refers to visual images or descriptions or presentations of sexual activity involving a child or a minor. Each definition presumes that child pornography can be found on a variety of media. Each definition underlines sexual nature of presentation and, as such, seeks to distinguish between child pornography and, for example, an absolutely innocent photo of a child on the beach, or in family environment, where a child may be

partially or wholly undressed. Stressing the sexual nature of the presentation, the definitions help us differentiate between pornography and mere nudity, classical iconography (children presented as Cupids, and similar) or other art forms.

What makes standardisation of definitions difficult is diversity of cultures – what is deemed pornographic in one culture is absolutely acceptable in another.

Differences in Definitions

While some definitions tend to encompass all forms of visual presentation and/or audio material, the others exclude artistic pictures and drawings, and some also exclude text (e.g. texts describing or discussing topics related to child pornography are not illegal in the UK, while some believe that the drawings or pictures which are found to be of artistic value may also be exempt). Some legal systems exclude comics, cartoons, and «generated» pictures, because a child was actually not subject to sexual abuse.

The definition offered by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, seems to be most acceptable, although it fails to mention pseudo pornography and generated presentations not involving actual child.

Legal Regulations

On the international level, the following documents, explicitly or implicitly, regulate the field of commercial exploitation of children:

- The Convention on the Rights of the Child – Articles 34 and 19 – United Nations, 1989; Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; Agenda for Action – adopted at the First World Congress on Sexual Exploitation of Children, 1996;
- Convention no. 182, the International Labour Office, 1999;
- Convention on Cybercrime – Article 9, Council of Europe, 2001;

while Article 111a of the Serbian Penal Code is of relevance on the national level.

Damaging Effect of Child Pornography

Crime and Presentation of Crime

Generally speaking, child pornography is crime as such, but it is also presentation of crime. It is both a form of child abuse, and presentation of abuse, the consequences of which are very well known and understood. According to some studies⁷⁰, about 50% of sexually abused children go through depression, posttraumatic disorders, behavioural disorders, or through a combination of those.

Great importance is attached to identification and rescue of victims of child pornography. In an attempt to identify child victims, various law enforcement

70) Child Sexual Abuse, Informing Practice from Research, Jones and Ramchandani, UK Department of Health, 1999.

agencies experiment with different approaches, but clearly all such attempts involve difficulties. Some distribute pictures of abused children to centres for social work or schools, in the hope that someone might recognize them. This is not considered to be the most appropriate method since it can result in further traumatising of children due to increasing number of viewers of the images, although in some countries this method was used, e.g. in Germany.

Centralised automated databases with digital sample recognition technology have been set up to help identify victims, and monitor new material appearing in the market.

The link between possession of child pornography and exploitation/abuse of children is very strong. Various researches in the USA (Chicago Police 1984, the US Customs, the US Postal Inspection Service) show that a person in possession of child pornography is most likely already an active abuser or on the way to becoming one.

Scale of Child Pornography and its Commercial Dimension

In 1995, the obscene publications department of Greater Manchester Police seized 12 pornographic presentations with children, all either in the form of photographs or video recordings. However, in 1999 the same department seized 41,000 pornographic presentations involving children, and all but 3 were on computers, mostly downloaded from the Internet. The police authorities of other countries have the similar data.

We cannot be certain about the scale of child pornography. Since it is illegal, no one of the arrested or the detained will admit to the exact number of copies. Moreover, estimates are that the «circulation» of one photo spans between 20 and 30 years.

In the past, child pornography was produced mostly by amateurs, as a by-product of abuse. Today it is pursued as one of organised crime activities.

The child pornography industry is international and highly commercial. It is estimated that in the USA alone the market is worth between 2 and 3 billion dollars a year.

Standard Forms of Child Pornography

With the surge of new technologies in the areas of digital photography and electronic data transfer, traditional and standard forms of child pornography production have marked a downward trend, although the US Customs and the US Postal Inspection Service still report that the seized material contains or is related to home-made video recordings, and that many pornographers still rely on postal services to exchange material, especially in the parts of the world where the Internet is not widely spread and accessible.

The long established market of child erotica and child pornography continues to flourish in many countries, pushing the limits of what is pornographic and what is not, so that toys, games, video games, erotic literature and erotic comics have become available worldwide.

Over the past period, Russia has become the second biggest source of child pornography, just after the USA, and estimates are that much of the material that is accounted as coming from Russia actually comes from the CIS countries.

Impact of New Technologies

Video cameras, video recorders, computers, mobile phones, scanners, digital cameras and similar technologies are becoming increasingly cheaper and available, which results in mass production and distribution, and in increased capabilities to store the material.

«Morphing» or Pseudo Pornography

In some countries the definition of child pornography is based on the actual involvement of a child. However, today, with computer technology enabling image manipulations, creation of pseudo pornography (morphing) is very easy, making it very difficult to distinguish between real and generated presentations.

Civilised society is clearly agreeing that presentation of children as sexual objects is unacceptable, not only because of general direct damage inflicted on child victims, but also because child pornography may result in reduction of sensitivity in adults and motivation for continued violent behaviour against children. That is why it makes no difference if the presentations are computer generated or real.

Impact of the Internet

The Internet is no longer a medium of academic nature, intended for adults only. Now it is a product that can be found in almost any home, and used by almost any member of the family.

So far none of the new technologies has seen such a rapid development and popularisation as the Internet. At a cost of a local call one can receive a message more or less at the same time when it is sent, receive or transmit sound and images, store endless amounts of information, and with the use of generally available cameras and scanners, create fully equipped space for multimedia activities in any home or office.

In only eight years, the Internet has grown from a peculiar network used exclusively by individuals into most widely used means of mass communication, restructuring many areas of social, cultural, and economic life in industrialised countries in more than one way.

Data from March 2005⁷¹ show that just over 888 million people worldwide use the Internet, which accounts for 13.9% of the total world population. The top five countries by the number of the Internet users are the USA, China, Japan, Germany, and India. In Europe, Germany, the UK and Italy are in the lead by the number of users, or more specifically, 83.1% of all European users live in the European Community. Serbia is reported to have 847,000 Internet users, which accounts for 7.9% of the total population of Serbia-Montenegro, or for 0.3% of the total number of users in Europe, marking the increase of 111.8% over the past 5 years.

71) www.internetworldstats.com

In many countries the Internet is integrated into education systems, and a well known fact is that children are most adaptable to new technologies, which makes them a group of Internet users marking the fastest growth. That is exactly the reason why the Internet seems to be a magnet for all those who intend to show pornography to children or to lure and abuse them in the real world, or both.

The police authorities throughout the world have noticed a major shift from «printed» to on-line child pornography. Earlier, obtaining child pornography was very difficult and risky because it involved a trip to a sex shop or a video club, where one could be seen, or in case of postal delivery, offenders were at risk of being caught based on the address, etc. With the Internet such obstacles are removed and more people are tempted to get involved.

Child pornography has been traded with the use of almost all technologies available on the Internet; nevertheless there are three main points of access: web, newsgroups and chat rooms.

World Wide Web

Web is a source of child pornography, but not the principle one. In a study carried out by the University of Cork in Ireland from June until November 1997, sexualised images on the web originated primarily from Japan, while the UK was in the second place. With the changes in the Japanese legislation, figures dropped drastically.

Newsgroups

Newsgroups are still the main source of publicly available child pornography on the Internet. Newsgroups are similar to notice boards where people sharing the same interests can exchange information and data by posting them in specific groups whose name is usually related to a topic at hand.

Chat rooms

Chat rooms are places where abusers look for children or where they go to exchange, traffic, or otherwise obtain material.

An abuser will go to a chat room where he assumes he will find a child. He may not join in straightaway but he will observe how the chat goes until he spots someone who may be a child or an especially vulnerable child, which he makes out from the conversation. Then, he tries to make friends with the child, possibly pretending to be a child himself sharing the same concerns and interests. The next step is that the abuser leads the child into moving to a «private» chat room, where only two of them will have a chat. At a certain point they will exchange e-mail addresses, or possibly mobile numbers to exchange text messages or talk directly. That is how the abuser draws the child into his net; it may happen that he encourages the child to make pornographic photographs of himself/herself or with his/her friends. Once the «predator» is in the possession of the photographs, he starts blackmailing the child, who out of fear of parents/carers will consent to

anything. Finally, a meeting in the real world may be arranged if the abuser decides to continue exploiting the child.

Networking

A technology used by Napster website enabled people to exchange music recordings across the Internet. This technology enables anyone who has connection to the Internet to be a server and a client at the same time, so that they can connect directly to other people's computers, by-passing services of a third party. Assumptions are that child pornographers use this technology on a massive scale for direct communication, reducing thus the possibility of detection.

Blogs

Blogs are personal chronicles of an individual (sometimes of more than one person) in a form of analyses, critiques, standpoints, emotions, and viewpoints that an individual wishes to share with others. Another important characteristic of blogs is a possibility for blog visitors/readers to make comments on blog postings, leading to two way communication, confrontation of opinions and views, and eventually to development of discussion and general interaction of blogs.⁷²

Operations of Law Enforcement Agencies

Organised operations by the police and other law enforcement agencies are increasing in number in many countries – well known are operations Cathedral, Wonderland, Avalanche, Landmark, and Icebreaker, uncovering international networks of paedophiles and child pornography traffickers.

In the United States of America, key to the combat against on-line child pornography are three federal bodies – the Federal Bureau of Investigation, the US Post and the US Customs.

Other countries, too, have various agencies addressing this problem – some are departments for high technology crime within the police force, and the others are departments within ministries, or special government/state agencies.

So far most advanced force is *Virtual Global Taskforce*⁷³ – an alliance of police forces or specialised departments within police forces of Australia, England and Wales, Canada, the USA and Interpol created in 2003. Virtual Global Taskforce brings an innovative approach to the initiatives for prevention and suppression of crime – Operation PIN, 24/7 On-line presence, a Most Wanted initiative - insisting on co-operation with the commercial sector.

As for Serbia-Montenegro, several persons were detected to distribute child pornography via the Internet – in Šabac and Loznica. The charges against the suspect in Šabac were withdrawn due to lack of evidence of production and distribution, while the suspect in Loznica is under investigation.

72) <http://www.ogledalo.co.yu/index.php3?broj=57&tekst=blog.html>

73) www.virtualglobaltaskforce.com

Other Responses to Child Pornography

Local Community

SOS Hotlines

The number of these services is growing in the countries with high Internet use rate. SOS hotlines make it possible for the general public to report cases of illegal or inappropriate presentation of children on the Internet, and to obtain advice on how to assist children not to access inappropriate websites.

The need for co-operation between SOS hotlines and the police is great, and in the UK and the USA this co-operation is very close.

It was owing to good co-operation between SOS hotlines and the US police, which is networked with Interpol, that a case in Šabac was uncovered.

The co-operation between the organisations providing assistance via telephone is best shown by INHOPE – Internet Hotlines for Europe – a network of SOS hotlines in the countries of Europe and the USA.

Increasing awareness of the problem and campaigns

The Internet is almost everywhere presented as smart and modern, and in the light of wide range of its options – which is true. However, its darker side is mentioned less frequently, most likely to avoid reducing the use of the Internet, which would in turn jeopardise huge profits earned in the Internet industry. As a result, there is a growing number of initiatives in the local community – by child protection organizations and agencies, child protection NGOs, school boards and parents' councils, voluntary and other associations – warning, each in its own way, of the existence of this problem.

The Internet Industry

In the UK and the USA many Internet service providers introduced, in addition to the control of contents of hosted sites, chat rooms, and newsgroups, the programmes for education and increasing awareness of the problem, often with the support of their governments. Unfortunately, the guidelines offered by service providers are often available only on-line – while connected to the web – although many, in our country probably majority of parents, would prefer it if the material was available in printed version. Many service providers enable use of free software to filter contents of the websites visited by children, but they have their shortcomings, too.

State/Governments and Their Agencies

What government authorities can do is best illustrated by the recommendations passed at congresses and conferences organised in response to commercial sexual exploitation of children.

Recommendations from Congresses (Stockholm, 1996 and Yokohama, 2001) and Conferences (Vienna, 1999 and Wilton Park, 2004) dedicated to the fight against commercial sexual exploitation of children and on-line child pornography:

- Harmonise national and international laws and definitions of child pornography;

- In those states where pornography is legal, the age at which a person may lawfully consent to participate should equate to the age of majority, and not be determined by a lower age of consent to sexual activity;
- It is vital to develop expertise and resources within national law enforcement agencies to ensure that they have adequately trained personnel and technology to allow them not only to act against child pornographers in their own countries, but also to participate in international actions against them;
- A determined effort is needed to standardise law enforcement procedures and protocols relating to child pornography;
- It is vital that members of the judiciary gain and regularly update knowledge of the new technologies and the related crimes, and that the sentencing policy reflects the civilised society's abhorrence of child pornography offences;
- Particular attention needs to be given to assisting the states marking high rates of child pornography and child sex tourism, as they are becoming major sources of child pornographic material coming on to the global market;
- As child sex abusers/pornographers make more use of encryption/ coding technologies to conceal evidence of their activities, so law enforcement agencies need to find more and better proactive detection methods;
- High technology industries need to make effort to assist the needs of law enforcement to combat misuse of new technologies;
- Establish SOS hotlines for reporting and counselling;
- Criminalise child pornography on the global level;
- Zero tolerance against child pornography on the Internet;
- Global partnerships need to be established to combat on-line child pornography;
- Strengthen law enforcement on national level and promote their international co-operation;
- Foster closer co-operation and partnership between governments and the Internet industry;
- Training and education;
- Increase awareness of the problem and empower Internet users.

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