

Information Sought by U.S. Department of Labor on Child Labor

SECTION I: WORST FORMS OF CHILD LABOR

A: INFORMATION TO BE CONSIDERED IN PREPARATION OF TDA 2014 ASSESSMENT

2) LAWS AND REGULATIONS ON THE WORST FORMS OF CHILD LABOUR

1. What, if any, new laws or regulations were enacted during the reporting period in regard to the worst forms of child labor? Relevant laws would include those that pertain to the minimum age for employment, minimum age for hazardous work, prohibition of hazardous work activities for children (including a list of prohibited occupations/activities), age to which education is compulsory, guarantee of free education, minimum age for military recruitment, and laws prohibiting engagement of a child in forced labor, trafficking, prostitution, pornography, or use of a child for illegal activities (including drug trafficking). Please name each law and list date enacted, and if available, provide a copy of the legal text.

Under the Law Amending the Labor Law (Official Gazette of RS, 75/14) in effect as of 29 July 2014, the provisions on conditions for entering employment relation have remained the same, i.e. have not been amended.

Namely, under the Labor Law (Official Gazette of RS, 24/05, 61/05, 54/09, 32/13 and 75/14) under Article 24 Labor relations can be entered into with a person above the age of 15 who meets other requirements for work at certain tasks, stipulated under the law, or Organizational Structure and HR Document (hereinafter: OS&HR).

Therefore, minimum age for entering employment is 15 years of age. Also, the youth protection is provided for in the following Articles: under Article 25 Employment relations with persons below the age of 18 may be entered into upon written approval of the parents, adoptive parents or foster parents, under the condition that such work does not jeopardize their health, moral or education, and is not prohibited under the law.

A person below the age of 18 may enter into employment relations only upon certificate of the competent health care body substantiating that he/she is capable of performing such tasks that are stipulated in the employment contract and that these tasks are not harmful for his/her health.

Cost of medical examination for persons referred to in para. 2 of this Article that are registered by the National Employment Agency shall be born by that Agency.

The types of jobs a person under 18 may be assigned to shall be the following (as stipulated under Article 84 of the LL): 1) Involving strenuous physical work, work underground, under water and at excessive heights; 2) Involving noxious radiation or substances that are toxic, carcinogenic or causing inherited diseases, as well as risk for health related to cold, heat, noise or vibrations; 3) Those that may, pursuant to advice of the competent health authority, increase health and life risks and be harmful in the light of psychophysical capacities of adolescents.

Under Article 85 Employees between the ages of 18 and 21 may work at jobs referred to in Article 84 points 1) & 2) of this law only upon report of the competent medical authority substantiating that such work shall not be deteriorating for their health. The working hours of the minor are limited, and they are not allowed to work overtime or to be subject to redistribution of working hours either as well as to work night shifts.

In particular, under Article 87 of the Labor Law (LL) full time working hours for persons below the age of 18 shall not exceed 35 hours per week or eight hours per day. As mentioned, under Article 88 Overtime and re-distribution of working hours shall not be allowed for employees below the age of 18. Employee below the age of 18 shall not work at night, except: 1) In cases of work in the area of culture, sports, art and advertising 2)

When it is necessary to continue work discontinued due to the action of force majeure, under the condition that such work lasts for a definite period of time, that has to be urgently finished and the employer has no other older employees available. Employer shall, in case referred to in para. 2 of this Article provide supervision of work of employees below the age of 18 by a person of full age.

Also, under penal provisions, i.e. Article 274, Employer in the capacity of a legal entity shall be fined in the amount of RSD 600,000 to 1,500,000 for the following offences:.. 8) If he/she orders an employee aged between 18 and 21 to work contrary to provisions of this law (Article 85).

- **ENFORCEMENT OF LABOR LAWS REGARDING CHILD LABOR AND HAZARDOUS CHILD LABOR**

2. What agency or agencies was/were responsible for enforcement of laws relating to hazardous child labor?

Labor Inspectorate as a body integral to the Ministry of Labor, Employment, Veteran and Social Affairs of the Republic of Serbia undertakes the measures and carries out the activities related to employment relation and safety and health at work primarily to ensure enforcement of the Labor Law, Occupational Safety and Health Law, and other laws and by-laws regulating the field of employment relation and safety and health at work, and fight against undeclared work.

The referred to objectives are achieved by way of inspections conducted ex officio and at request, as well as by preventive action (direct provision of required information to employers, employees, trade union representatives, and via public media)

In line with the principles enshrined in the Council of Europe Convention on Action against Trafficking in Human Beings (CETS no. 197, with regard to the matter concerning categories of particularly vulnerable categories of employees, the Labor Inspectorate is particularly focused to the issues related to hiring children and young persons.

With view to more efficient operation of labor inspection authorities, enhanced cooperation and coordination has been established at the level of the Republic, in particular, with regard to fight against undeclared work and shadow economy, fight against human trafficking, including the worst forms of child labor, primarily in order to prevent labor exploitation

It should be noted that in order to prevent and suppress child labor, the provisions of the ILO Convention no 182 on the Worst Forms of Child Labor are integrated in the Labor Law, resulting in the requirement according to which it is only allowed hiring a person who reached minimum 15 years of age.

It is allowed to hire persons under 18, however only after the consent to it has been obtained from the parent, adoptive parent or guardian, if such a work does not represent a risk to the minor's health, morale and education, and/or is not banned under the law.

The persons under 18 may enter employment relation only on the basis of findings issued by a competent healthcare authority establishing that the persons under 18 is capable to perform tasks for which s/he is being hired and that such tasks are not harmful for their health.

The Labor Law provides for the types of jobs a minor is not allowed to be assigned to, such as strenuous physical work, underground work, under water work or work at excessive heights, the work including exposure to harmful radiation, etc.

The working hours of the employed person under 18 is limited (it may not exceed 35 hours per week, or eight hours a day). Also, they are not allowed to work overtime, to have their working hours redistributed or to work nights.

The Law also foresees that the employer shall be liable for a petty offence if they hire a person under 18 years of age contrary to the provisions of the Law, i.e. if they instruct a minor or employees who have reached between 18 and 21 years of age to work in breach of the provisions of the Law.

3. If multiple agencies were responsible for enforcement, were there mechanisms for coordinating enforcement actions? If yes, please describe the coordination mechanism.

The delegated authority of the labor inspector is governed by the Labor Law, Occupational Safety and Health Law, Public Administration Law, and in their work labor inspectors control compliance with and enforcement of the provisions of the Gender Equality Law, Anti-Workplace Bullying Law as well as other laws and secondary legislation i.e. by-laws governing labor related rights and obligations imposed on employers and employees.

On the basis of the provisions of the Public Administration Law governing inspection, labor inspectors are required to cooperate with other inspectors, judicial authorities, authorities responsible for misdemeanor regulations and other institutions and organizations, and/or to inform other authority to undertake measures for which it is responsible to undertake.

6. Did inspectors receive training on hazardous child labor? Please describe.

A workshop on human trafficking – cooperation between labor inspectors and law enforcement inspectors was organized jointly with the Ministry of Interior of the Republic of Serbia with the TAIEX support, in April 2011 in Belgrade.

12 labor inspectors in total, who were selected following territorial principle, took part in the seminar. They participated in the ToT (training of trainers) on how to identify and prevent human trafficking so that they may transfer the acquired knowledge to other

labor inspectors working in their sections and units. Thus, all the labor inspectors were covered by the elementary training in the territory of the Republic of Serbia.

The aim was to enable labor inspectors to recognize, identify and provide the victim of trafficking with an adequate access to relevant support services in the safest manner, and/or to ensure the victim's safety.

In particular, such a training was useful to inform the inspectors on how it is important to control working conditions and lives of persons found working, and to control if freedom of movement and communication with others for such persons is limited, as well as if there is a threat or forcement in case of hiring of illegal migrants – unregulated non-nationals working in the territory of Serbia.

The importance of an individual approach was noted, and/or of a case-by-case approach. Different profiles of the victims, in other words, the diversity and complexity of every individual situation determine the approach in which every case is regarded as a unique one.

As the trainers who passed the training organized seminars that they delivered in all and every organizational units of the Labor Inspectorate, and also communicated to all the inspectors hand outs and other material used in the seminars (leaflets, booklets, etc.), there was no need to draft an instruction to guide inspectors in their action. Such an instruction has not been produced because it has been observed during the process of the identification of any victim of labor or other exploitation that it is vital to have a flexible approach, thus leaving to the inspectors' activities to adapt to a concrete situation on the spot.

The additional, i.e. further special training for labor inspectors would be helpful to create conditions for more efficient operations of labor inspectors regarding the emerging policy, functions and procedures of action, as well as for acquisition of new knowledge, understanding and skills regarding recognition and identification of different forms of exploitation, in particular of use in combating against criminal acts related to the worst forms of child labor.

In the period from August to December 2014, the Labor Inspectorate took active part in the preparatory activities related to the "National – Level Involvement and Support to Eliminate Child Labor" Project to be implemented in 2015. The participants in the Project are also Ministry of Interior, Ministry for the Youth and Sports and Centre for Protection of Victims of Human Trafficking, in addition to the Ministry of Labor, Employment, Veteran and Social Affairs.

The Project will, among other things, organize consultative workshops for representatives of government authorities, trade unions, employers' associations and civil society to discuss weaknesses and recommendations regarding legal framework, and to endorse a need to revise the legislation. Also, the Project foresees preparation of the deliverables such as various documents, materials, programs and delivery of the training for labor inspectors and others in charge of fight against child labor. These materials will be about discovering and suppressing child labor and provision of required equipment (ICT) to those labor inspectors members of the District inspection staff as well as in the Labor Inspectorate Head Office in Belgrade, who will act as a focal points for elimination of child labor in order to improve inspection related to abuse of children for labor purposes and to undertake necessary measures.

7. How many inspections involving child labor were carried out? Were inspections carried out in sectors in which children work? How many child labor violations were found?

According to the data available with the Labor Inspectorate, and obtained from conducted inspections in 2014, there was no hiring of persons under 15 years of age.

- In order to identify child labor, labor inspectors while inspecting are focused to:
- Recognition and discovering illegal hiring of children and setting into motion the mechanism of penalizing and sanctioning organizers of child labor;
 - Undertaking all the measures to adapt the conditions of work of legally hired young persons to their abilities and needs;
 - Insisting on enforcement and application of all preventive measures for safe and healthy work of such persons;
 - Provision of information, technical and legal advice regarding conditions and possibilities of hiring children and young persons in compliance with law, and
 - Understanding and prevention as a primary and long-term goal, and/or action with view to awareness rising of wider and local community about the harm and danger for children hidden in early hiring of children, in particular at hazardous workplaces and jobs, as well as about possible long-term consequences of such an employment.

8. Are there systems for referring children found during inspections to social services? Please describe these systems. How many children were removed and/or assisted as a result of inspections?

In the Republic of Serbia, every child who is a victim of abuse, neglect of any kind of abuse including thus forced involvement in illegal labor, harmful for the child's health, education, upbringing, growth and development, to which it is forced by its parent, guardian or any other third party, is entitled to protection provided for under the system of social protection and legislation governing family and child protection. It primarily implies that an overall urgent protection of children is ensured consisting of safety, healthcare and basic existential conditions, whereas in the later phase, it covers also other conditions such as conditions for upbringing, education, integration into society, etc. Also, the civil and criminal lawsuits are taken against the persons who abused and neglected children. A center for social work, active within every local government, is the key agent of protection of children from abuse and neglect. It is staffed with social workers, psychologists, pedagogues, special pedagogues and lawyers. The primary duty of this institution is to prevent and combat abuse and neglect of children and to act as a coordinator of an overall protection provided to the children victims of abuse and neglect, and thus forced labor. Children who are victims are primarily placed in foster families (there are 6050 children without parental care, victims of abuse and neglect who are placed in foster care), and also in residence care for children – homes for children (there are 650 children placed in homes for children).

Currently, as of July 2014, the action to organize a systematic protection for children living and working in the street (“street children”) is ongoing. Thus, special in-house teams providing protection to the street children have been set up in the centers for social work. These teams include representatives of the Ministry of Interior, staff of healthcare and education institutions and of centers for social work themselves. Complete 92 teams are set up by 25 December 2014, whereas such teams are underway in another 32 local governments. Preparations for setting up the teams in yet another 35 local governments are ongoing. Between July and 25 December 2014, these teams managed to take care and organize the overall continuous protection provided to in total 60 children living and working in the street. This action that has been organized within social as well as the protection offered within the legislative system of family and child protection is of key significance given that the street children belong to the category of children who are most vulnerable to possible abuse in human trafficking or forced / illegal labor. In 2015, such a response to phenomena of the street children will continue, accompanied by further special programs in the pipeline, and additional capacities offering better quality protection for this category of children who have their own specific needs.

6) GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR:

2. If there are such policies or plans, please describe any agencies designated to implement each plan, actions identified within the plan, timelines for implementation, and any other concrete measures. Please provide a copy of such plan(s) during 2014.

The Government adopted the Strategy for Prevention and Protection against Discrimination on 27 June 2013, drafted by the relevant state authorities and civil society organisations. An Action Plan for the implementation of the Strategy for Protection and Prevention against Discrimination is adopted in October 2014.

This document is dedicated to preventing discrimination and promoting the status of nine vulnerable groups (women, **children**, persons with disabilities, elderly persons, LGBT persons, national minorities, refugees, internally displaced persons and persons belonging to other vulnerable migrant groups, persons whose health status may be cause of discrimination, members of small religious communities and religious groups) that are commonly exposed to discrimination. The children of Roma nationality are particularly exposed to the risk of discrimination, often the consequence of the specific status of the overall Roma community and/or a significant number of its members (Roma as legally invisible persons, discriminatory practices in a number of fields, etc.) A clear strategy for prevention against discrimination is crucial for strengthening and improving control mechanisms in the next five-year period and also for enacting adequate law and by-laws, and the Republic of Serbia implemented standards in the area of human and minority rights to prevent discrimination and discriminatory practices, especially with regard to

vulnerable social groups. The Strategy defines objectives, measures and activities that will ensure reduced number of discrimination cases, particularly directed towards vulnerable social groups.

Specific Objectives: Monitor progress in the field of inclusive education of children and implementation of education-related laws and elimination of negative and discriminatory practices in education. Ensure support in education for children with developmental and other disabilities, Roma children, children living and working on the street, refugee and internally displaced children, children undergoing readmission, children who are victims of violence and exploitation, children living in rural areas and their families, in line with the principle of equal rights and free of discrimination on the basis of their personal characteristics and social background and advance coordination of support with other systems of protection.

7) SOCIAL PROGRAMS TO ELIMINATE OR PREVENT THE WORST FORMS OF CHILD LABOR:

2. Did the government address child labor through poverty reduction, development, educational or other social programs, such as conditional cash transfer programs or eligibility for school meals, etc? Please describe. If available, provide information on the impact of such programs on child labor.

The poverty risk rate in the Republic of Serbia indicates that children are under the highest risk of poverty in comparison to other age groups. The poverty trends increase the danger from incidence of other risks, such as the risk of the child entering the life and work on the street, to drop out of school, etc.

The Law on Social Protection establishes several types of services for marginalised groups of citizens aimed at their full inclusion in society, and they are as follows:

1) Evaluation and planning services - assessment of the situation, needs, strengths and risk profile of the beneficiary and other important people in his/her environment; assessment of guardians, foster parents and adoptive parents; creation of an individual or family plan for service delivery, measures of legal protection and other assessments and plans;

2) Daily services in the community - living room; home assistance; inns and other services that support the user living with his family and in the immediate vicinity;

3) Support services for independent living - supported housing; personal assistance; training for independent living and other support necessary for active participation of users in the society;

4) Advisory therapeutic and socio- educational services - intensive support services for families in crisis; counselling and support for parents, foster parents and adoptive parents; support to families that take care of its child or an adult family member with a disability; maintenance of family relationships and reuniting families; counselling and support in cases of violence; family therapy; mediation; SOS phones; activation and other advisory and educational services and activities;

5) Accommodation services - accommodation with relatives, foster family or other family for adults and the elderly; institutional placement; shelters and other types of accommodation.

According to provisions of the Law on Social Protection, these services provided by the Republic Serbia, autonomous province or local government, and they are attained from a provider of social protection that is licensed through public procurement procedure in the area of social care services, in accordance with the law governing public procurement, the above mentioned law and regulations issued for their implementation.

According to the Law on Social Protection, the goal of social protection is, on the one hand, achieving and maintaining minimum financial security of citizens and, on the other hand, ensuring the availability of services and the exercise of the right to social protection. Furthermore, the social protection system aims at creating equal opportunities for social inclusion.

Material support is achieved by a beneficiary through monetary social assistance, allowance for help and care of other people, increased allowance for help and care of other people, support for vocational training, short-term cash grants, in-kind assistance and other forms of material support. Implementation of new legislation aimed at the socially disadvantaged – exercising the the right to financial social assistance – provides a better coverage of multi – member households using the so-called equivalence scale, which in the best possible manner valorizes the presence of each additional household member and makes a better distinction between adults and children within the same household.

Roma are among the most vulnerable groups of population, exposed to the highest risk of poverty, social problems, lack of appropriate accommodation, high unemployment and inactivity rate, low level of qualifications, exposed to the highest level of uncertainty, as well as to violence and criminal. According to data obtained from 2011 population census, there are 147,604 (2.05%) Roma in the Republic of Serbia. Children of Roma nationality account for 37.5% (40,554) of the total Roma population (108,193).. The Second Action Plan for implementation of **the Strategy for improvement of the situation of Roma in the Republic of Serbia** for the period June 2013-January 2015, by its measures, i.e. activities, operationalises the recommendations and priorities envisaged by the Strategy, for each of the 13 fields of importance for improvement of the situation of Roma (education, housing conditions, employment, displaced persons, return pursuant to the Readmission Agreement, personal documents, social protection, health care, position of women, information, culture, political participation and representation and anti-discrimination). Preparation is underway of the **Base line study for the new Strategy for improvement of the situation of Roma** with a view to review the success of implementation of the Strategy and to create better preconditions for the preparation of the new one, which should comply with the Strategy Europe 2020.

According to Strategy for Prevention and Protection against Discrimination Roma people are recognized as a particularly vulnerable group of the population. The Strategy provides for measures relating to the adoption of general acts regulating the implementation of affirmative measures for the enrolment of students of Roma nationality in secondary schools and faculties, as well as resolving issues of relocation from illegal Roma settlements, and ensuring active participation of Roma in planning their housing needs and respecting their need and right to participate in decision-making on all issues that concern them, especially on the local government level, including

relocation and method of social integration and providing conditions for social housing in accordance with international standards and guidelines for relocation of citizens from informal settlements. The Council for the Improving the Status of Roma and Implementation of the Decade of Roma Inclusion was established in May 2013. According to Strategy Children who are victims of trafficking and prostitution and pornography abuse are particularly exposed to discrimination. The data of the Office for Coordination of the Protection of Trafficking Victims indicate a high rate of minor victims (close to 50%) in 2013.

The Republic of Serbia has done a lot of work on **resolving status issues of Roma ("legally invisible persons")**. Until now, over 10,000 Roma nationals received their identity cards, more than 100 thousand different personal documents have been issued. As of 2009, when the new Law on General Registers was adopted, over 21,000 applications for subsequent registration in the General Births Register were resolved positively. In the forthcoming period, particular attention shall be paid to provision of free support to the members of Roma national minority in the process of exercising this right and identification of persons who are not registered in the General Births Register in view of initiation of appropriate procedures. Completion of the process of registration of the so called "legally invisible persons" is envisaged for the end of 2015.

The development of various services, strongly encouraged by the Law on Social Protection, allows a better social integration of Roma into the community and their active social inclusion, and reduces their discrimination and further marginalization. Services in the community have so far been largely project financed or financed through donor funds and discontinued after the completion of the project, because the local communities did not have the money for their sustainable funding. A novelty in the new Law on Social Protection is that these services are financially supported from the budget of the Republic through target transfers for municipalities that are below the average development level for the Republic.

Data on members of the Roma population refer only to the persons who have declared themselves Roma in accordance with the Constitution, thus the number of beneficiaries of the rights and/or social protection is probably higher than the one presented here. Data on nationality and/or ethnicity of the beneficiaries available to the Republic Institute for Social Protection correspond only to the structure of the population they were collected from. Data have been collected from and are known for only a part of the beneficiaries (precisely, 420,000) or 66.6% of the total number (631,703).

The most commonly applied measures of family law protection of the Roma are custody and temporary custody - in 82.1% of cases, while the other measures are applied considerably less often. Measures of protection against domestic violence have been applied to 85 beneficiaries, adoption to 10 beneficiaries, and measures of family law protection to 66 beneficiaries.

Housing services are mostly used by Roma children - 70.3%, i.e. Roma children who are most commonly placed in foster care (kinship care and other) in over two thirds of cases (79.4%). From the total number of Roma beneficiaries of housing, the majority are placed into families (59.6%), compared to the number of beneficiaries placed in institutions (children's homes and shelters) - 829 registered cases.

Significant progress in education of Roma pupils has been achieved. Research shows that measures of educational policy towards increased coverage, reduction of dissipation and absence and improvement of grades of Roma pupils, are successfully implemented and lead to first effects. Research on effects of measure to introduce a pedagogical assistant in 22 elementary schools in the Republic of Serbia shows positive effect on educational achievements of pupils who are members of Roma national minority, regular attendance to lessons, increase of number of pupils in extracurricular activities of schools and improvement of cooperation with pupils' parents. A total of 175 pedagogical assistants have been introduced in elementary schools and pre-school institutions. Educational level of Roma population is still less favourable than that of general population. A total of 87% of Roma population has elementary or lower education degree, and less than 1% has high or university education degree. Based on the current MICS survey, every school year **the number of enrolled Roma children increases by 10%.** **Affirmative action measures** are implemented at enrolment to universities and colleges, for 2014/2015 school year, the Office for Human and Minority Rights submitted to the Ministry of Education, Science and Technological Development, a list with 228 candidates of Roma nationality for enrolment, and a list of 322 candidates of Roma nationality for enrolment in high schools, therefore, by application of these measures, in the period from 2003/2004 school year until now, a total of 1573 students and 2614 high school pupils of Roma nationality have been enrolled.

The **Project "European Support to Inclusion of Roma"** envisages a **measure Technical support for implementation of the project idea of the Government of the Republic of Serbia in the field of social development (Measure 5) in relation to the implementation of the Strategy for improvement of situation of Roma,** for the implementation of which the planned amount is 4.8 million euros. The project activities are focused on 20 pilot municipalities throughout the territory of the Republic of Serbia and are implemented by the OSCE Mission to Serbia in cooperation with the Office for Human and Minority Rights and relevant institutions. One component of the project relates to the establishment of "joint mobile teams" in 20 pilot municipalities, with the aim to improve the efficiency of social, health and educational services in their joint work on resolving the issues faced by certain Roma children and families, including returnees under the readmission agreement. These teams are composed of a municipal/city administration Roma Co-ordinator, health mediator, representative from the branch of the National Employment Service, pedagogical assistant and the representative from the Social Welfare Centre. The second component relates to setting up mechanisms allowing the exchange of data which, within its scope, gather the institutions whose representatives participate in the work of joint mobile teams, for the purpose of establishing a unique, common database of Roma households in the local community, ensuring preconditions for reducing discrimination, social inclusion and impact on elimination of negative stereotypes in relation to Roma. Mobile teams have already made achievements on the field and increased the number of enrolled children in pre-school institutions; prepared draft legal acts required for systematisation of health mediators; legal teams of our partner Praxis interviewed 1056 citizens, initiated 230 administrative and judicial procedures for subsequent registration in the General Births Register, for determination of date and place of birth and for determination of personal name;

Housing situation of Roma population is very difficult, and there are still significant differences between the housing conditions of Roma and population majority. It is necessary to additionally adopt appropriate regulations in relation to processes and procedures in the event of forced evictions, which need to be performed in line with international standards of human rights protection, and to ensure thereof enforcement and following in practice. Underway is the implementation of **the Action Plan of the City of Belgrade for resettlement of families accommodated in mobile container settlements**, specifically resettlement of the families to the selected village households. For 2014, the City of Belgrade plans to resettle unhygienic settlement "Bellville-route" where 50 families live and will be settled in social housings. Process of consultations with these families is ongoing from 2010. The City shall in 2015 provide housing for Roma families thanks to the partnership with the European Union which earmarked 3.6 million euros from IPA funds for permanent housing settlement of 202 families which are currently settled in the five new settlements. These families shall be provided with permanent housings in a) social apartments which shall be built on the territory of the City of Belgrade, b) existing houses owned by the families which shall be adapted, and c) by purchase of village households. Based on the results of technical, socio-economic and legal assessment, user profiles have been prepared for 40 families which identified village households and enclosed personal and technical documents envisaged by the project. The Office, in cooperation with the OSCE mission and Danish Council for refugees, supported 243 individual consultations with user families.

Number of beneficiaries in the Centre for Social Work who were victims of domestic violence in 201, classified by the dominant type of violence					
Dominant type of violence	2009.	2010.	2011.	2012.	2013.
Physical violence	878	831	841	1.182	1.164
Sexual violence	92	124	87	118	95
Psychological violence	1.381	1.439	1.041	925	1.009
Neglect	855	854	1.418	1.443	1.553
Economic exploitation	115	148	-	-	37

The General Protocol on Protection of Children from Abuse and Neglect provides clear and binding guidelines to all service providers, in government sector as well as the civil and private sector, for the implementation of integrated inter-sectoral cooperation in the process of child protection. The implementation of the General Protocol contributes to the establishment of an efficient and coordinated procedure for the protection of a child who is actually or potentially abused or neglected and allows an adequate intervention, recovery and conditions for further safe development of the child. The General Protocol has contributed to the development and expansion of the network of multidisciplinary teams for protection of children in the local community, as well as the implementation of the conjoint model of these teams on the municipal level throughout Republic of Serbia. In the social protection system, all children who are registered in the Centre for Social Work, on any grounds, especially in the category of neglected or abused children, are included in some type of social intervention. The competence of the Centre for Social Work, especially through the activities of the custody authority, is to ensure the basic

protection of the rights and interests of the child through the appropriate interventions of the social and family law protection of the child.

Associations of citizens play a significant role in formulation and implementation of the policy of assistance and support to families and children. Civil society organizations deal with problems of domestic violence, protection of children from abuse and neglect, development of non-institutional forms of protection of children and young persons deprived of parental care, and play a significant role in the development of non-institutional forms of protection on the local level which are a part of the system of assistance and support to the children through the provision of services of day centres and clubs for children, shelters for "street children", shelters for children victims of human trafficking, shelters for children victims of violence, promotion and organization of foster care, as well as realization of various programmes of support to specific target groups of children, etc.

The final results of the **2014 Serbia Multiple Indicator Cluster Survey (MICS 5) and 2014 Serbia Roma Settlements Multiple Indicator Cluster Survey** indicate that the status of children and women has not significantly changed compared to 2010. This year's data clearly show that there are large disparities in the status of certain groups of children; depending on whether they live in urban or rural area, on the level of education and socio-economic status of their parents. The preliminary results were published in July, only two months after the completion of the fieldwork, and today, the final report containing the complete findings of the surveys was presented. From February to April 2014., the Statistical Office of the Republic of Serbia conducted two surveys – one encompassed 7,351 households selected as a nationally representative sample, and the other encompassed the sample of 1,976 households in Roma settlements. Selected Key Results:

Child Labour: In Serbia, 10% of children aged 5-17 were involved in activities that are classified as child labour. In urban areas 5% of children were involved in child labour, and 16% in rural areas.

Education - The data indicate high levels of coverage and completion of primary education, but also the large disparities between the general population and vulnerable groups of children. Only 65% of children from Roma settlements attend the mandatory preparatory preschool programme. As many as 31% of children from Roma settlements do not enter primary school on time and one third of the poorest children and children from Roma settlements do not complete it on time. Children from Roma settlements (22%) and the poorest children (74%) are significantly less likely to attend secondary school compared to the national average (89%).

Child Allowance: In Serbia, 27% of children are beneficiaries of the child allowance, and the data indicate poor targeting. 48% of children from the poorest, and as many as 11% of children from the richest families receive child allowance benefit. 60% of children from Roma settlements receive child allowance, and data indicate that the poorest have the most difficulties in obtaining this kind of cash assistance.

The protection of juvenile victims of human trafficking is organized by the Centre for Human Trafficking Victims Protection in cooperation with the competent custody authority. The majority of children were returned to the family of origin. In the cases in which the custody authority decided that this was not feasible or that it was not in the best interest of the child, the children were assigned to a temporary guardian and later placed

into shelters, homes or foster families, returned to the country of origin or reunited with their families in a third country.

REPORT Of the Agency for Coordination of Human Trafficking Victims about identification of victims

<http://www.centarzztlj.rs/eng/index.php>

<http://www.centarzztlj.rs/eng/index.php/stats-and-reports>

http://www.centarzztlj.rs/eng/images/statistika/eng/Identification_stats_report_for_2013.pdf

1. WHICH SECTORS OR WORK HAVE CHILDREN INVOLVED IN THE WORST FORMS OF CHILD LABOUR? Examples include hazardous work in major sectors such as agriculture or construction; work on the street or use of children in illegal acts such as forced begging or drug smuggling.

In the Republic of Serbia, during the eleven months of 2014, **12 minors had been victims of the crime of trafficking in human beings** (including three children).

11 offences of trafficking in human beings carried out by 13 persons against whom criminal charges were filed had been registered. In the area of Belgrade, three criminal offences had been registered, as well as two in Novi Sad and the area of the police departments in Kragujevac, Šabac, Kruševac, Novi Pazar, Pančevo and Sremska Mitrovica.

Observed according to type of exploitation - **children** (aged under 14) **exploited through begging** (two girls and a boy), **five cases of minors (14-18 years) exploited through prostitution** (sexual exploitation), as well as two others instigating criminal acts (two juveniles) and forced marriage. **A juvenile female experienced double exploitation - sexual and exploitation in committing criminal acts.**

Старосна и полна структура малолетних лица оштећених трговином људима			
I - XI 2014. године			
до 14 година		14-18 година	
М	Ж	М	Ж
1	2	2	7

Age and gender structure of juvenile victims of human trafficking : I – XI 2014

Up to 14 years of age: M-1 F-2 ; 14-18 years of age: M -2 F-7

It should be noted that during 2014, the proportion of minors in the total number of persons injured by human trafficking related criminal offences (51 persons) significantly decreased by 23%.¹ Currently the majority of victims are men who have been identified as victims of labour exploitation in the construction industry in the Russian Federation.

In addition to the above, **four offences relating to the trafficking of children for adoption** had been registered during 2014 in the Belgrade area and they were committed by four persons against two under-age female persons.

According to the Ministry of Internal Affairs, juveniles are rarely involved in the illicit production and trafficking of drugs and make up only 4% of the total reported perpetrators of the crime "illicit production and trafficking of narcotic drugs" under Article 246. Criminal Code (mainly dealing with older juveniles aged 16 to 18 years). The illegal possession of small quantities of narcotics for personal use is also sanctioned (Article 246a of the Criminal Code),

¹ On an annual basis in 2013, juveniles accounted for over 60% of injured persons.

whereby juveniles accounted for about 7% in this type of criminal offences (mainly those aged 16 to 18 years).

The number of crimes (concerning trafficking and exploitation of minors) reported by the police to the prosecution in the period from January to November 2014 in the Republic of Serbia

Name of the offence	Number of offences	Number of offenders	Number of minors harmed by criminal acts		
			children up to 14 years	minors from 14 to 18 years	total number
Showing, obtaining and possessing pornographic material and exploiting a minor for pornography referred to in Article 185 of the CC	12	12	7	6	13
Neglect and abuse of a minor referred to in Article 193 of the CC	25	28	26	7	33
Human trafficking referred to in Article 388 of the CC	11	13	3	9	12
Trafficking minors for adoption referred to in Article 389 of the CC	4	4	2	/	2

The number of crimes related to "illicit production and trafficking of narcotic drugs" (referred to in Article 246 of the Criminal Code of the RS) committed by a juvenile that the police reported to the prosecution service in the period from January to November 2014 in the Republic of Serbia

Name of the offence	Number of offences	Number of under aged perpetrators of criminal offences referred to in Article 246 of the CC		
		younger minors 16-18 years of age	older minors aged 16-18	total number
Illicit production and trafficking of narcotic drugs referred to in Article 246 of the CC	49	8	40	48

Note: Between January and November 2014, in addition to the specified criminal offence under Article 246 of the CC, the police filed criminal charges related to a set of criminal offences involving narcotic drugs (which, among others, have a negative effect on the health of minors) against 259 minors for 264 committed offences of "unauthorized possession of drugs" under Article 246a of the CC. In the same period, criminal charges had been filed against 17 people who at the expense of 23 juveniles committed 16 offences related to the "facilitation of narcotic drugs use" under Article 247 of the CC.

2. APPLICATION OF CRIMINAL JUSTICE LEGISLATION ON FORCED CHILD LABOUR/ CHILD TRAFFICKING, COMMERCIAL SEX EXPLOITATION AND USE OF CHILDREN IN ILLICIT ACTIVITIES

Note: If information on the application of the law does not refer to 2014, please specify the period it refers to. In cases where information is not yet available, please indicate whether the government has that information or keeps records but does not make them publicly available.

With the adoption of the **Convention on the Rights of the Child**, the international community has recognised the existence and defined the special needs of children as human beings. The legal system of the Republic of Serbia incorporated this Convention in 1990 when our country ratified this international treaty. By doing so, international protection of children's rights was established, thus legally moulding the principle, in a binding manner for all state parties, that children are most vulnerable and most helpless as members of the human community and the first that need assistance in facing various threats. This is the accepted primary task of the Convention, to protect the interests of children in the best possible way and ensure their protection from abuse, neglect and exploitation.

The Convention on the Rights of the Child contains an entire list of children's rights and, *inter alia*, specific provisions on the rights of the child to physical, psychological and sexual integrity in order to:

- prevent and protect children from physical and mental violence, abuse and neglect (Article 19);
- prevent and protect children from all forms of sexual exploitation and sexual abuse (Article 34);
- prevent and protect children from abduction, sale or trafficking (Article 35);
- prevent and protect children from other forms of exploitation (Article 36);
- prevent inhuman or degrading treatment or punishment (Article 37).

The **Constitution** guarantees the right to free development of personality, human life and physical and mental integrity are inviolable (the death penalty does not exist in the Republic of Serbia), and no one may be held in slavery or similar servitude. Any form of human trafficking is prohibited. Forced labour is prohibited. Sexual and economic exploitation of a person who is in an unfavourable position is regarded as forced labour (Articles 23, 24, 25, 26, 27 ...).

Children enjoy all the rights appropriate for their age and maturity. Children are protected from physical, psychological, economic and any other exploitation or abuse. Children under the age of 15 may not be employed and if they are under the age of 18 they may not be involved in jobs harmful to their health or morality (Article 64 and 66).

Additionally, Article 64. The Constitution states that the rights of the child and their protection are regulated by law.

The Criminal Code, which came into force on 1 January 2006, defines the concept of a minor (Article 112, paragraph 10). The Code defines this term as »a person who has not attained the age of eighteen years«. In addition to the concept of a minor, as a unique, generic term, the Criminal Code also defines the term child, or in other words, minor (a child is considered a

person below the age of fourteen, Article 112, paragraph 8 of the CC; a minor is a person who has attained the age of fourteen and still has not turned eighteen, Article 112, paragraph 9 of the CC).

Furthermore, the Criminal Code provides a wide array of offences that can be committed »to the detriment of children and minors«, with the purpose of their legal protection. Basically, under the criminal acts "to the detriment of children and minors", the criminal legislation of the Republic of Serbia means those groups of crimes whose victims may be children and minors (under-age persons). These are crimes in which minor age is a constituent element of the offence or a qualifying circumstance (the offence takes on a more severe form if a child or minor appears as a passive subject), or "general" offences that may involve a victim who is a child or minor. Primarily, this includes offences contained in chapters entitled: "Crimes against Life and Body," "Crimes against Sexual Freedom," "Crimes against Marriage and Family", "Crimes against Property" and "Crimes against Humanity and Other Goods Protected by International Law".

Many of these crimes have been specifically listed (27 of them) in the third part of the **Law on Juvenile Offenders and Criminal Justice Protection of Juveniles** (hereinafter: Law on Juveniles), ² whose application also began on 1 January 2006, in order to provide special protection of personality to juvenile victims, namely damaged witnesses in criminal proceedings. This Act contains provisions that apply to juvenile offenders. The provisions of the Law relate to substantive criminal law, authorities that enforce it, criminal proceedings and enforcement of criminal sanctions against these criminal offenders. The Act contains specific provisions on the protection of children and minors - juveniles as victims in criminal proceedings. In the area of protection of minors as victims of crime, particularly significant are provisions of Article 150 of the aforementioned Act which provide that a chamber, chaired by a judge who has acquired uncommon knowledge in the field of child rights and criminal justice protection of juveniles, tries adult perpetrators of certain offences defined by the Criminal Code (there are 27), if the injured party in criminal proceedings is a minor. The public prosecutor who has acquired uncommon knowledge in the field of child rights and criminal justice protection of minors shall initiate proceedings against adult perpetrators of other criminal offences prescribed by the Criminal Code, in accordance with the provisions of this part of the law, if it deems it necessary to exceptionally protect the personality of juveniles as victims in criminal proceedings.

The aforementioned law establishes a juvenile justice system, which has a primary goal not to punish but educate under aged persons, which is achieved through specialisation of police, prosecution, courts and social services who deal with juvenile offenders. This new approach to juvenile delinquency is particularly important as *a mechanism for identifying victims of trafficking in children forced to commit criminal acts*.

The Criminal Code of the Republic of Serbia ("Official Gazette of the RS", No. 85/05, 88/05-correction, 107/05-correction, 72/09, 111/09, 121/12 and 104/13) provides more offences that protect minors (under 18 years of age) from sexual and labour exploitation, trafficking and use in illegal activities (including drug trafficking). The crimes are as follows:

- Solicitation of Prostitution referred to in Art. 184 of the CC;

² /Law on Juvenile Offenders and Criminal Justice Protection of Juveniles, *Official Gazette of the RS*, No 85/2005.

- Showing, obtaining and possessing pornographic material and exploiting a minor for pornography under Article 185 of the CC;
- Utilisation of computer networks or other means of communication to commit offences against sexual freedom of a minor referred to in Art. 185b CC
- Neglect and abuse of a minor under Article 193 of the CC;
- Trafficking in human beings referred to in Article 388 of the CC;
- Trafficking in children for adoption under Article 389 of the CC.
- Establishment of slavery and transportation of enslaved persons under Article 390 of the CC.
- Illicit production and trafficking of narcotic drugs referred to in Article 246 of the CC.

With regard to crimes related to narcotic drugs, notwithstanding the above offences referred to in Article 246 of the CC, two more acts are subject to criminal sanctions as follows: "unauthorized possession of drugs" (Article 246a of the CC) and "facilitating the use of narcotic drugs" (Article 247 of the CC).

The National Plan of Action for Children and General Protocol for the protection of children from abuse and neglect, among other things, provide for the establishment of efficient operational multi-sector networks to protect children from all forms of violence. In the process of protection, which includes cooperation and coordinated action by all agencies and experts, the police have a very important role, especially when it comes to implementing measures of urgent intervention aimed at ensuring the safety of a child. In an effort to improve police procedures in the field of prevention and protection of children from violence, the Interior Minister adopted a Special Protocol over the course of March 2012 on the conduct of police officers in the protection of minors from abuse and neglect.

The *Special Protocol* accepts minors as citizens with the right to protection provided by criminal justice, misdemeanour's and family laws within the duties and responsibilities of the police to investigate cases of abuse and neglect of minors. The Special Protocol is binding for all police officers of the Ministry of Internal Affairs of the Republic of Serbia and represents an instrument that shall provide professional, ethical and lawful conduct of police officers in the protection of minors from abuse and neglect. Otherwise, misuse or abuse of juveniles includes all forms of physical and/ or emotional abuse, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the health of minors, their survival, development or dignity in the context of a relationship involving responsibility, trust or power.

Within the framework of the implementation of the Special Protocol, training of police officers is conducted in order to enable them to adequately understand the issues, treatment and management of the process of prevention and protection of minors from abuse and neglect.

Besides primarily repressive measures and actions to suppress prohibited activities, the Ministry of Internal Affairs of the Republic of Serbia also exercises a **preventive function in order to protect the life and personal safety of children and minors and takes necessary actions to prevent criminal acts against them**, by: implementing permanent and systematic activities, taking measures and actions, monitoring and analysis of the security situation in the territory, supervising the implementation of plans, programmes and actions in this field, informing the public about issues of abuse and exploitation of children, developing cooperation and providing technical assistance to citizens, state authorities and social organisations, authorities of territorial autonomies and local self-governments, public enterprises, institutions, NGOs and other organisations of citizens, particularly in terms of detecting cases of exploitation, abduction and

trafficking of children; and also by implementing existing and encouraging new programmes and activities that make prevention of various forms of abuse and exploitation of children and minors more successful.

Police officers are required to act preventively in order to detect and identify the elements of delinquencies involving elements of abuse and violence against children and minors. Basic forms of direct preventive action are beat and patrol activities performed by uniformed police officers. An adequate approach to the treatment of minors who are injured after the commission of a crime or misdemeanour involves **ongoing training of police officers** competent for combating juvenile delinquency in the territory of the Republic of Serbia, as well as of other police officers, with constant improvement of **cooperation** with all stakeholders within the social community in charge of criminal protection of minors.

The Ministry of Internal Affairs of the Republic of Serbia also implements general **preventive actions** of a temporary and permanent character designed to **protect children and minors from all forms of crime**, such as: *actions "School", "Children in Traffic", "Action of Tightened Control Prohibiting the Sale and Dispensing of Alcoholic Beverages to Minors" and others*. In cooperation with the Ministry of Education of the Republic of Serbia, the projects *"School Policeman"* and *"School without Drugs"* are being implemented.

With the objective of primary prevention of trafficking in human beings and children in 2014, we would like to single out the following:

- Ministry of Internal Affairs of the Republic of Serbia in cooperation with the International Organization for Migration is implementing a project entitled **"Strengthening the System of Partnership in the Implementation of the National Strategy for Combating Trafficking in Human Beings"**, which aims to contribute to the successful implementation of the National Anti-trafficking Strategy, especially in the fields of strengthening the mechanism of coordination at the local level, establishing ten local coordination teams and defining and adopting their duties;
- The International Organization for Migration (IOM) and the Centre for the Protection of Victims of Trafficking, in partnership with the Ministry of Internal Affairs, are implementing the project **"Strengthening the Identification and Protection of Trafficking Victims"**, which aims to contribute to the successful implementation of the Anti-trafficking Strategy through improvement of mechanisms for the prevention and identification of victims of human trafficking through the establishment of national general and specific indicators;
- **World Day against Trafficking in Persons** was marked on **30 July** with a press conference attended by representatives of the Ministry of Internal Affairs, UN, IOM Mission to Serbia, the Embassy of Belarus in Belgrade and the Centre for the Protection of Trafficking Victims;
- **Human trafficking month was marked in October, including European Anti-Trafficking Day on 18 October**, by representatives of the police and other government officials from the social welfare, health and justice sectors, in cooperation with local authorities and civil society organizations, who together participated at gatherings, conferences, and preventive actions concerning human trafficking.

3. GOVERNMENT POLICY MEASURES FOR THE WORST FORMS OF CHILD LABOUR:

With an objective of implementing an effective response to the problem of human trafficking, the Ministry of Internal Affairs of the Republic of Serbia has taken a significant number of actions to develop a new **National Strategy for prevention and suppression of trafficking in persons, especially women and children, and protection of victims in the Republic of Serbia for the period 2015-2020**, as well as a **National Action Plan for the period 2015-2016**, drafted by representatives of state bodies and civil society organisations.

The National strategy envisages specific objective No 5, which relates to children and states: **"Children are protected from human trafficking and exploitation in pornography and prostitution and their consequences through special participatory programmes that are implemented in their best interest"**, which provides for the improvement of prevention and minimisation of causes of trafficking in children through the implementation of a permanent training programme for those civil servants who may come into contact with victims of trafficking in children; advancement of educational content in higher education institutions where professionals who work with children are trained; continued application of participatory prevention programmes that are consistent with trends such as the migration of children (voluntary and involuntary) and misuse of communication and information technology for child trafficking and exploitation in pornography and prostitution (participatory prevention programmes are specifically tailored to children from disadvantaged social groups); the implementation of programmes for children in primary and secondary education that emphasise the unacceptability of gender discrimination and its consequences. It has also been envisaged that the detection and prosecution of cases of trafficking in children should be in line with a proactive approach, which aims to facilitate the position of children as victims and injured in a process. Protection of child trafficking victims shall be provided by establishing capacities for emergency care of children who are victims of trafficking and increasing cooperation of all those who work with children and on the development of specialised offices and services through the implementation of participatory programmes for protection and sustainable social inclusion of children victims of trafficking.