

**Report for the period ending 31 August 2013**  
**Prepared by the Government of the Republic of Serbia**

Regarding the

**WORST FORMS OF CHILD LABOUR CONVENTION, 1999 (No. 182)**

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After the previous law had been in force for 20 years, April 2011 saw the entry into effect of a new Social Security Law (*Official Gazette of the Republic of Serbia*, No. 24/2011). The new Law was adopted to introduce global standards and obligations undertaken when international treaties were ratified, primarily those treaties that concern guarantees of human and children's rights and liberties. The following international documents were consulted during the drafting stage of the Social Protection Law: EU Charter of Fundamental Rights; International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Rights of Persons with Disabilities; and the UN Convention on the Rights of the Child. The Law is also aligned with the aims of the 2007 Lisbon Strategy, as well as with social cohesion objectives that are the priorities of the reform of the Serbian social security system.

Article 41 of the Social Security Law stipulates that social security is available to beneficiaries who may be individuals or families facing obstacles in meeting their needs that prevent them from achieving or sustaining quality of life, or lacking funds to meet their basic needs but unable to raise such funds through their own work, income derived from property, or by other means. Under Article 41, victims of human trafficking – children, young people, adults, and the elderly – have for the first time been explicitly identified as being entitled to social security rights or services.

Chapter II of the Social Security Law, 'Principles of Social Security' (Articles 24-33), provides for the following principles: protection of integrity and dignity of beneficiaries (beneficiaries are entitled to social security based on social justice, responsibility and solidarity, that is provided with respect for the beneficiary's physical and mental integrity and security, as well as with regard for his or her moral, cultural and religious convictions, in line with guarantees of human rights and liberties); no discrimination (there may be no discrimination of beneficiaries by race, gender, age, ethnicity, social background, sexual orientation, religion, political affiliation, trade union membership or other orientation, wealth, culture, language, disability, nature of social exclusion, or other personal characteristic); best interests of the beneficiary; least restrictive environment; efficiency of social security; timeliness of social security; wholeness of social security; improvement to

quality of social security; openness; availability and individual orientation of social security.

Article 35 of the new Social Security Law ('Right to Participate in Decision-Making') explicitly stipulates, among other things, that each child is entitled, with due regard to his or her age and maturity, to take part in all processes whereby his or her rights are decided upon and express his or her opinion freely.

Article 56 of the Law stipulates that 'social security services may be provided as urgent interventions to ensure security in situations that threaten the life, health and development of a beneficiary, and are made available 24 hours a day. Urgent interventions are provided by Social Services Centres in mandatory co-operation with other appropriate bodies and services. Urgent interventions are made available by the Republic of Serbia or an autonomous province.'

Since 2013, sexual offences against children have no longer been subject to statute of limitations. The enactment of the new Law by the Serbian Parliament has made the legislator an ally in efforts to rehabilitate children victims of sexual violence. Legislation now makes it possible to prosecute sexual offences at the time when survivors of childhood sexual violence are mentally strong enough and have sufficient social leverage to take as equal part as possible in criminal proceedings.

Serbia has thus become the second European country, in addition to the United Kingdom, to recognise that sexual trauma in children does not lapse, but rather leaves life-long damage and requires the statutory ability to launch criminal proceedings at the point where survivors of sexual trauma feel capable of taking part in those proceedings.

By amending legislation hitherto in effect, which had stipulated that sexual offences against children lapsed due to statute of limitations six years after the last incident of sexual abuse (after which the perpetrator could no longer be held accountable), the legislator has increased the likelihood of sanctioning perpetrators by allowing them to be brought to trial for sexual offences against children at any point in their lives.

The Ministry of Labour, Employment and Social Policy has also taken an active part in drafting the Law on the Rights of the Child.

#### *Article 1*

The Social Security Law introduces new groups of beneficiaries hitherto underrepresented in practice, such as victims of family violence, abuse, neglect and self-neglect, as well as victims of human trafficking. The Social Security Law, on the one

hand, defines groups of beneficiaries of social security, and, on the other, provides for groups (or types) of services. Social services are available to, among others, children at risk of abuse and children victims of abuse, neglect and exploitation; children victims of human trafficking; and children victims of human trafficking who are foreign nationals. Groups of services include counselling and therapy, and social education services, as well as accommodation and support for independent living.

Minors (children) and persons of age up to and including 26 years of age (young people, youths) become beneficiaries of social services where circumstances in their family or other circumstances jeopardise their health, security and development, or where it is apparent that without the support of the social security system they will be unable to achieve an optimum level of development, particularly in the event that:

- 1) They are deprived of parental care or at risk of losing parental care;
- 2) Their parent, guardian or other person providing immediate care are unable to provide such care without the support of the social security system, due to reasons of poor health, mental disability, or unfavourable social and economic circumstances;
- 3) They suffer from developmental challenges (physical, mental, sensory, language-related, socio-emotional, or multiple), and their needs for care and material security exceed the abilities of their family;
- 4) They are in conflict with their parents, guardians and the community, and where their behaviour jeopardises themselves and their environment;
- 5) They face difficulties due to abuse of alcohol, drugs, or other narcotics;
- 6) There is danger that they will fall victim to, or are already a victim of, abuse, neglect, violence and exploitation, or where their physical, mental or emotional well-being and development are jeopardised through the action or inaction of their parents, guardians, or other persons providing immediate care;
- 7) They are victims of human trafficking;
- 8) They are unaccompanied foreign nationals or stateless persons;
- 9) Their parents are engaged in a custody dispute; and
- 10) They have other social security needs.

Numerous byelaws needed for the full implementation of the Social Security Law are being drafted; some have already been adopted.

#### *Article 2*

Za potrebe ove konvencije, izraz “dete” primenjuje se na sva lica mlada od 18 godina.

The Constitution of the Republic of Serbia defines ‘child’ as a person up to the age of eighteen, which is in line with the definition contained in the Convention on the Rights of the Child. This definition is also in place in the Family Law (*Official Gazette of the Republic of Serbia*, No. 18/05), Education Law (*Official Gazette of the Republic of Serbia*, No. 72/09), Labour Law (*Official Gazette of the Republic of Serbia*, Nos. 24/05, 61/05, and 54/09), Healthcare Law (*Official Gazette of the Republic of Serbia*, Nos. 107/05, 72/09 – Other Law, and 88/10) and Law Prohibiting Discrimination of Persons with Disabilities (*Official Gazette of the Republic of Serbia*, No. 33/06). Criminal

legislation defines 'children' as persons younger than 14, while 'minors' are defined as persons between the ages of 14 and 18.

#### *Article 3*

Human trafficking is criminalised under the Criminal Code. 'Whosoever by force or threat, deception or maintenance of deception, abuse of authority, trust, dependency, difficult circumstances of another, retention of identity papers or by giving or accepting money or other consideration, recruits, transports, transfers, sells, buys, acts as intermediary in the sale of, hides or holds another person with intent to exploit such person's labour, forced labour, commission of offences, prostitution, mendacity, pornography, removal of organs or body parts or service in armed conflicts, shall be punished by a term of imprisonment of between two to twelve years. Where the offence is committed against a minor, the perpetrator shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration' (Article 388). Two additional criminal offences are also provided for: trafficking in children for adoption (Article 389) and holding in slavery and transportation of enslaved persons (Article 390).

Serbia signed the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse in (the Lanzarote Convention) in 2007, and ratified it in 2010; the Convention entered into effect in November 2010. The Ministry of Labour, Employment and Social Policy has delegated a Serbian representative to the Council of Europe Committee who has been regularly taking an active part in its deliberations.

#### *Article 4*

*No change.*

#### *Article 5*

The Serbian Government's Order on the Network of Social Security Institutions (*Official Gazette of the Republic of Serbia*, No. 16/2012) has introduced a new type of institution, Centre for the Protection of Victims of Human Trafficking, which is charged with co-ordinating the protection of victims of human trafficking and providing emergency accommodation and protection to victims of human trafficking. This has substantially boosted the staffing and financial resources of the Co-Ordination Service for Protecting Victims of Human Trafficking, an important link in the national mechanism for protecting victims of human trafficking. However, the move to the premises that should house the Centre, as well as the establishment of the Centre's first operational unit, an emergency shelter for victims of human trafficking to be funded from the national budget, are currently deadlocked since the premises in question are the subject of litigation. The Service thus faces issues in its functioning, while the shelter remains closed.

The Centre for the Protection of Victims of Human Trafficking is charged with assessing the general situation with respect to victims of human trafficking, and their needs,

strengths, and weaknesses; it is also responsible for identifying such victims and providing appropriate assistance and support in aid of their rehabilitation and re-integration. In that sense, the Centre co-ordinates the provision of social services to victims of human trafficking, co-operates with Social Services Centres, accommodation facilities, and other bodies, services and institutions to best serve the interests and ensure security of victims of human trafficking. The Centre's Articles of Association and staffing documents stipulate that its tasks are carried out through two organisational units, the Co-Ordination Service for Protecting Victims of Human Trafficking and the Shelter for Victims of Human Trafficking.

The Centre is responsible for both identifying and establishing the status of victims of human trafficking and comprehensively co-ordinating the activities of all national and local entities. It is also tasked with carrying out all other activities related to the safeguarding of rights and interests of victims of human trafficking.

The Centre and its staff are funded from the national budget. The Centre currently employs ten people.

After the adoption of the General Protocol to Protect Children from Abuse and Neglect (2005), a legally binding document for all those involved in protecting children, all the relevant ministries developed and formally adopted specific protocols to govern the particular roles and processes of various departments in the protection of children, including social security institutions oriented at children (2006), the police (2007), educational institutions (2007), healthcare (2009), and the judiciary (2009).

Implementation guidelines were also adopted along with these specific protocols; early 2012 saw the publication and dissemination to all children's rights professionals in Serbia of a second expanded edition of the implementation manual for the General Protocol. All 140 Social Services Centres and children's shelters received this manual. This has meant the completion of the protection system that provides for early detection of children at risk of violation of rights established under the Convention on the Rights of the Child and its Optional Protocols, as well as for appropriate and timely response by all relevant systems in the community.

Under the General Protocol, all Social Services Centres in Serbia must maintain 24-hour duty shifts in the event of urgent interventions to protect children from abuse and neglect. These interventions are carried out in co-operation with the police and healthcare services.

The Ministry of Labour, Employment and Social Policy has introduced mandatory attendance at accredited training programmes for social security practitioners. The accreditation system is defined under the new Social Security Law (2011) and is closely linked with the licensing of social security professionals. An overview of accredited programmes aimed at the protection of children and young people can be found at [www.zavodsz.gov.rs](http://www.zavodsz.gov.rs).

NADEL, the National Children's Helpline, is available at 0800 12 34 56. It was set up in 2006 and covers the entire territory of Serbia. The helpline employs 25 counsellors – educational specialists, psychologists, social workers, medical doctors and lawyers. Calls are free, anonymous, and confidential.

#### *Article 6*

The Ministry of Labour, Employment and Social Policy delegated a representative who took part in the development of the Draft Action Plan to Prevent and Protect Children from Exploitation for Pornography through Abuse of Information and Communications Technology 2012-2014. This document should put into operation a portion of the National Strategy to Prevent and Protect Children from Trafficking and Exploitation for Pornography and Prostitution 2012-2016.

The remaining two segments of the National Strategy (prevention and protection of children from trafficking, and exploitation for pornography) will be put into operation through separate action plans.

In addition to the above, the Ministry of Labour, Employment and Social Policy has played a major role in the development of the new Serbian Strategy to Prevent and Tackle Human Trafficking and Protect Victims 2013-2018 and the Action Plan for its implementation. These documents have left the public comment stage and are expected to be adopted shortly.

Late 2012 saw drafting start of an Action Plan to implement the Social Security Law; extensive activity has continued in this area in 2013, and the document is expected to be finalised by the end of Q2 2013.

The Centre for the Protection of Victims of Human Trafficking has compiled a leaflet to be distributed by police officers that is designed to provide information immediately at the time a victim is discovered or where human trafficking is suspected.

The Centre for the Protection of Victims of Human Trafficking has published an information booklet pursuant to Article 39 of the Law on Free Access to Information of Public Importance (*Official Gazette of the Republic of Serbia*, Nos. 120/04, 54/07, 104/09, and 36/10) and the Guidelines for Publishing Information Booklets of Public Authorities (*Official Gazette of the Republic of Serbia*, No. 68/10 of 14 September 2010). The information booklet was posted on the Centre's website at [www.centarzztlj.rs](http://www.centarzztlj.rs) on 28 December 2012.

#### *Article 7*

Not only does the new Law better protect the poorest populations in Serbia, but it also provides for a well-developed concept of social services to ensure the protection of all members of the public in need of support from society. The Law contains a number of new features that should improve the position of the poorest and most vulnerable groups

– children without parental care, children and young people with developmental difficulties, persons with disabilities, the elderly, the Roma, victims of violence, victims of human trafficking, and refugees and displaced persons.

The Roma have, for the past several years, been actively involved in public works through Social Services Centres, with considerable success – a substantial number of members of this group have been included in these activities. They are thus activated (as provided for under the new Law) and are able to contribute to their communities as equals. The activation process will further be enhanced through co-operation between the Ministry of Labour, Employment and Social Policy and the National Employment Service.

It should particularly be underlined that major reforms are under way of record-keeping and documentation within the social security system, as well as of procedures used to collect, process, and report data on services provided and rights exercised. An analysis has been made of the requirements of the UN's international treaty bodies tasked with monitoring the implementation of international treaties: the recommendations of this analysis that relate to how the position of the Roma community is monitored have been incorporated into the ongoing activities. Data on social security beneficiaries identifying themselves as Roma have been collected since 2011; this is significant for planning policies designed for their protection. Reporting forms have since the entry into effect of the new Social Security Law in 2011 contained queries regarding the age, gender, residence, and working capacity of the Roma.

At the proposal of the Office of Human and Minority Rights, the Ministry of Labour, Employment and Social Policy has consented to create positions on its staff for two Roma Inclusion Advisors to ensure that the Strategy to Improve the Position of the Roma and its associated Action Plan are implemented as efficiently as possible. (One position was created in the Family Care and Social Protection Department, while the other was established in the Employment Department.) After the expiry of the initial 18-month period of their engagement, funded by the Technical Support to the Office of Human and Minority Rights for Implementing Strategy to Improve the Position of the Roma in the Republic of Serbia Project, the Ministry of Labour, Employment and Social Policy will consider formalising these positions in its staffing documents.

A project implemented by the Ministry of Labour, Employment and Social Policy together with the Office of the Commissioner for Refugees to provide various community services ended in 2013. Many Roma, particularly those internally displaced, were able to take part and receive training for various services (both as beneficiaries and as future service providers).

To implement the plan to provide new housing for Roma families hitherto residing in the Gazela informal settlement in Belgrade, while formally resident outside of the City of Belgrade, the Ministry remitted a total of RSD 24,321,017.35 to the municipalities of Leskovac, Bojnik, Vranje, Lebane, Surdulica, Merošina, Prokuplje, and Kovin. The bulk of the funds, 92.54 percent, was transferred to the municipalities of Vranje, Leskovac,

and Bojnik, since most activities had been directed at these municipalities as most families, 81 percent, were formally resident there (a total of 43 out of the 53 families covered by the plan).

The provision of housing involved the following activities on the part of the Ministry:

- Four buildings were purchased to provide housing for homeless families (one in Vranje, two in Leskovac, and one in Bojnik).
- Three buildings were constructed to provide housing for four families (who had held title to the plot of land used).
- Repairs were made to buildings in the cases of 29 families (including additional construction, expansion, completion, fitting of doors and windows, etc.).
- Access to the water supply network was provided for a 46 families (ten covered by the plan and the remainder Roma families living in the same areas). Water supply and sewage pipes were constructed and connections were provided for 41 families (five of them covered by the plan). Five families had their access to water improved through the expansion of public fountain facilities in their areas.

Of the total number of families covered by the plan, 41 percent permanently reside in their municipalities of origin, while some return to their municipalities on occasion but reside in Belgrade where they work.

All of these families benefit from social assistance; most of them also receive child support.

In terms of education:

- 25 children attend primary school;
- Seven children attend pre-school;
- Three people attend adult education primary schools, and
- Five children are aged between one and four and do not attend nursery school.

The Ministry has remitted funds to municipalities to be used to purchase textbooks and teaching aids.

All adult family members able to work have been registered with offices of the National Employment Service and are occasionally engaged in public works or do seasonal jobs. Further, 94 percent of all people covered by the plan have all identity documents, while others are missing some; all of these documents can be obtained and financial and advisory support has been extended for this purpose.

As for Belgrade's second informal settlement, Belville, the City of Belgrade has stated that 124 families were relocated to five mobile container-based settlements, namely, Makiš, Jabučki Rit, Resnik, Kijevo, Dren, and Barajevo. In addition, 133 families were moved back to Požarevac, Subotica, Novi Sad, Kostolac, Prokuplje, Žitište, Lebane, Vranje, Niš, Leskovac, and Bojnik.



Responsibility for relocating these families and providing housing for them was divided between the City of Belgrade and other municipalities where the families were formally registered as residing.

Before the settlement was relocated, the Ministry of Labour, Employment and Social Policy and the City of Belgrade notified all municipalities and Social Services Centres of the activities to be undertaken by the City of Belgrade to relocate the Belville settlement, and provided lists of people registered in their areas to ensure that these bodies were able to take measures from within their respective remits to provide care to these families.

On the date the relocation began, 26 April 2012, the City of Belgrade provided a fleet of buses and lorries to transport the people and their possessions to their places of residence. In addition, Belgrade remitted RSD 20,000 to each municipality for each family, and offered families up to RSD 100,000, as needed, to assist with repairs to housing.

After the relocation was completed, the Office of Human and Minority Rights and the City of Belgrade established a working group made up of officers of the City, line ministries, and national and international organisations (EU Delegation, OSCE, UNICEF, UNHCR, Swedish International Development Co-Operation Agency, Social Housing Agency, etc.) to carry out a study on possible permanent solutions for people relocated from informal Roma settlements in Belgrade.

The study aims at developing recommendations for comprehensive and lasting solutions for families that live in the nine mobile container-based settlements in Belgrade and for improving re-integration and social inclusion of people relocated to their municipalities of origin outside of Belgrade. The study is being drafted by five consultants from various fields – social inclusion policy, housing, healthcare and social issues, education, and employment.

The first Social Security Fair was held on 10 February 2012. This non-profit project of the Ministry of Labour, Employment and Social Policy was a forum for numerous exhibitors, social service providers and human rights advocates representing multiply vulnerable groups. Several civil society organisations took part in the fair (Bibia Roma Women's Centre of Belgrade, Osvit Roma Women's Association of Niš, etc.) and presented their programmes and activities they undertake to improve and safeguard the human rights of members of the Roma community.

Substantial progress was made in setting up a network to protect children's rights in the community. According to 2012 data (provided by the National Social Security Institute), there are 15 various types of services provided to children and young people in Serbia funded by local authorities, as well as nine types of services aimed at all categories of beneficiaries (children, adults, and the elderly) that are classed as family support services or services in support of victims of human trafficking or family violence. However, 37 local communities in Serbia do not offer any social security services funded from the local budget.

It should be underscored that community services have to date to a large extent also received donor funding and would thus usually cease to be provided as the projects ended, since local communities did not have access to funds needed for their sustainable financing. An innovation introduced by the Social Security Law is support for these services from the national budget through special-purpose transfers for all municipalities below the national development average.

In Serbia, civic associations play a major role in developing and implementing policies of assistance and support to families and children. Non-governmental organisations deal with issues of family violence, protection of children from abuse and neglect, development of non-institutional types of protection of children and young people with no parental care (e.g. Serbian Victimology Society, Children's Rights Centre, Incest Trauma Centre, Shelter for Women Victims of Violence, etc.). NGOs are also active in developing non-institutional forms of protection at the local level that become part of the system of assistance and support for families and children, including day care centres and clubs for children and adults with physical and developmental disabilities, shelters for homeless children, shelters for women and children victims of human trafficking and violence, assisted living for children with developmental disabilities, promotion and organisation of fostering, and various other support programmes to different target groups of children.

Social Services Centres are the primary providers of social services in the local community. There are a total of 140 of these Centres that are charged with assisting and supporting children and young people in situations where their health and development are jeopardised. Social Services Centres, and in particular their guardianship functions, are responsible for providing basic protection for the rights and interests of children by appropriately intervening to provide social and legal protection to children.

Social services institutions co-operate with other entities to protect victims of human trafficking, thus meeting the requirements of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) ratified by the Republic of Serbia. In doing so, they provide victims of human trafficking, both Serbian and foreign nationals, with and secure accommodation, psychological and material assistance (security and protection for victims); counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand; access to education for children; necessary medical or other assistance to victims lawfully resident within its territory who do not have adequate resources and need such help; access to the labour market, to vocational training and education; and co-operation with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

Strategic Objectives 7, 8 and 9 of the National Plan of Action against Trafficking in Human Beings 2009-2011, as adopted by the Government of the Republic of Serbia, require the appropriate bodies to improve identification of victims of all forms of human trafficking by enhancing the capacity of government and non-government actors, preventing secondary victimisation of victims/witnesses by government bodies, and

develop long-term programmes to protect and re-integrate victims of human trafficking. Taking these aims as a starting point, on 5 November 2011, the Ministry of Labour, Employment and Social Policy and the International Organisation for Migrations (IOM) signed a memorandum of understanding to implement the joint programme of IOM, the Office of the UN High Commissioner for Refugees (UNHCR), and the UN Office on Drugs and Crime (UNODC) against human trafficking in Serbia. Pursuant to this memorandum, the Ministry of Labour, Employment and Social Policy prepared a training programme for social workers at Social Services Centres and offered ten training sessions to boost capacities to identify and offer protection to potential victims of human trafficking. This training, held in 2011 and 2012, covered 76 Social Services Centres and 277 professionals. The same training programme was offered to staff of the Centre for the Protection of Victims of Human Trafficking.

The result of these efforts is a Manual covering how professional staff of social services bodies deal with victims of human trafficking (through organising protection, assistance, and support for victims of human trafficking). A set of Guidelines is also being developed to govern how Social Services Centres handle protection of victims of human trafficking.

This project has also resulted in the establishment of shelters for victims of human trafficking with the Novi Sad Social Services Centre and the Niš Women's Safe House.

*Article 8*

*No change.*

- I. Molimo Vas navedite da li su sudovi ili tribunali doneli odluke koje se tiču principa primene konvencije. Ukoliko jeste, molimo Vas dostavite name tekstove tih odluka.**
- II. Molimo Vas dajte opštu ocenu načina na koji se konvencija primenjuje u Vašoj zemlji. Molmo Vas da navedete sve praktične teškoće sa kojima ste se susreli u primeni konvencije, ili faktore koji su mogli da spreče ili odlože akciju protiv najgorih oblika dečijeg rada. Ukoliko je Vaša zemlja primila pomoć ili savet u okviru MOR-ovog projekta tehničke saradnje, kao što je Međunrodni program o eliminaciji dečijeg rada (IPEC), molimo Vas navedite mere koje su u skladu sa tim preduzete.**
- III. Ukoliko informacije u pitanju nisu već prosleđene u vez sa ostlim pitanjim u ovom obrascu - Molimo Vas dostavite nam primerke ili izvode iz službenih dokumenata, i to inspekcijских izveštaja, studije i upitnike, i gde takva statistika postoji, informacije o prirodi, obimu i trendovima najgorih oblika dečijeg rada, broj dece koja su obuhvaćena merama kojima se sprovodi ova konvencija, broj i prirodu prijavljenih prestupa, kaznenih sankcija itd. Do mere do koje je moguće, sve pružene informacije treba da budu razruđne po polovima.**

**I - III**

Structure of human trafficking victims identified by status and country of origin, 2012							
Status	Country of origin						TOTAL
	Serbia	Monte-negro	Roma-nia	Bosnia and Herze-govina	Mol-dova	Thai-land	
Identified as victim	66	1	1	1	1		70
Identified as potential victim	7	1				1	9
<b>TOTAL</b>	<b>73</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>79</b>

Source: 2012 Operating Report, Centre for the Protection of Victims of Human Trafficking

Structure of human trafficking victims identified by type of exploitation, age and gender, 2012					
Type of exploitation	Under age 18		Over age 18		TOTAL
	F	M	F	M	
Sexual	11		29	2	42
Labour	1		4	7	12
Labour and sexual	1				1
Forced marriage	6				6
Forced marriage and sexual			1		1
Begging	8	4			12
Begging and forced crime		2			2
Forced crime			1	2	3
<b>Sub-totals by gender</b>	<b>27</b>	<b>6</b>	<b>35</b>	<b>11</b>	<b>79</b>
<b>TOTAL</b>	<b>33</b>		<b>46</b>		<b>79</b>

Source: 2012 Operating Report, Centre for the Protection of Victims of Human Trafficking

The Centre for the Protection of Victims of Human Trafficking handles protection of minors in co-operation with the appropriate bodies exercising the role of legal guardian. Most children have again been placed with their families of origin. In cases where the guardianship body felt this not to be feasible or not in the child's best interest, such children were assigned a temporary guardian, after which they were placed with shelters or foster families, or repatriated to their countries of origin or allowed to join their families in third countries.

Over the first quarter of 2013, the Centre for the Protection of Victims of Human Trafficking received a total of 42 requests for identification. Work also continued on 41 identification requests received in 2012 that could not be completed for objective reasons. A total of 83 requests were processed in this period.

DATA PROVIDED BY THE NATIONAL SOCIAL SECURITY INSTITUTE ON VICTIMS OF HUMAN TRAFFICKING WHO BENEFITED FROM SERVICES PROVIDED BY SOCIAL SERVICES CENTRES

Structure of identified victims of human trafficking by type of exploitation, age and gender, 2012														
Dominant type of exploitation	Victim age													
	Children					Young people		Adults		Elderly people		TOTAL	Foreign nationals	
	Age 0-6		Age 7-14		Age 15-17		M	F	M	F	M			F
	M	F	M	F	M	F								
<i>Sexual</i>	0	0	0	2	0	2	0	2	0	1	0			0
<i>Labour</i>	1	0	0	0	2	1	1	4	0	1	0	0	10	2
<i>Begging</i>	0	0	3	2	0	0	0	0	1	0	0	0	6	0
<i>Forced marriage</i>	0	0	0	1	0	3	0	0	0	0	0	0	4	0
<i>Other types of exploitation</i>	0	0	4	4	1	4	0	3	2	3	0	0	21	5
<b>TOTAL</b>	1	0	7	9	3	10	1	9	3	5	0	0	48	8

Source: National Social Security Institute, 2012 Social Services Centres Operating Report

Number of victims of human trafficking (Serbian and foreign nationals) registered with Social Services centres in 2012, by dominant type of exploitation, age and gender														
Dominant type of exploitation	Victim age													
	Children					Young people		Adults		Elderly people		TOTAL	Foreign nationals	
	Age 0-6		Age 7-14		Age 15-17		M	F	M	F	M			F
	M	F	M	F	M	F								
<i>Sexual</i>	0	0	1	5	0	7	0	1	0	4	0			0
<i>Labour</i>	1	1	2	2	1	1	0	4	1	2	0	0	15	0
<i>Begging</i>	5	1	4	2	0	0	1	0	1	0	0	0	14	0
<i>Forced marriage</i>	0	0	0	2	0	1	0	0	0	0	0	0	3	0
<i>Other types of exploitation</i>	2	1	0	2	0	3	0	2	0	2	0	0	12	2
<b>TOTAL</b>	8	3	7	13	1	12	1	7	2	8	0	0	62	2

Source: National Social Security Institute, 2012 Social Services Centres Operating Report

Number of human trafficking victims registered with Social Services Centres in 2012 covered by protective measures under Family Law and measures to protect against violence, by age and gender														
Protective measure	Victim age													
	Children			Young people		Adults		Elderly people		TOTAL	Foreign nationals			
	Age 0-6	Age 7-14	Age 15-17	M	F	M	F	M	F					
	M	F	M	F	M	F	M	F						
<i>Adoption</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	
<i>Protection from family violence</i>	0	0	0	0	0	1	0	0	0	1	0	0	2	0
<i>Guardianship – Guardian appointed</i>	0	0	1	3	0	1	0	0	1	0	0	0	6	0
<i>Guardianship – Temporary guardian appointed</i>	2	1	1	3	0	3	0	1	0	0	0	0	11	0
<i>Custody supervision</i>	0	2	0	2	0	3	1	1	0	0	0	0	9	0
<b>TOTAL</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>8</b>	<b>0</b>	<b>8</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>28</b>	<b>0</b>

Source: National Social Security Institute, 2012 Social Services Centres Operating Report

Number of beneficiaries who are victims of human trafficking registered with Social Services Centres in 2012 placed with social security institutions, by type of placement							
Type of placement	Age groups of Serbian nationals					Total	Foreign nationals
	Children	Young people	Adults	Elderly people			
<i>Placement with shelter/accommodation facility</i>	16	4	1	0	21	1	

<i>Placement with relatives</i>	1	0	0	0	1	0
<i>Placement with another family</i>	4	1	1	0	6	0
<i>Placement with social security institution</i>	3	0	1	0	4	0
<i>Other type of placement</i>	0	2	0	0	2	0
<b>TOTAL</b>		<b>7</b>	<b>3</b>	<b>0</b>	<b>14</b>	<b>0</b>

Source: National Social Security Institute, 2012 Social Services Centres Operating Report

**VI. This report has been provided to the Confederation of Autonomous Trade Unions of Serbia, the Serbian Employers' Association, and the Nezavisnost TUC.**

# Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)

## *Worst Forms of Child Labour Convention, 1999* *(No. 182) - Serbia (Ratification: 2003)*

Article 3 of the Convention. Worst forms of child labour. Clause (c). Use, procuring or offering of a child for illicit activities. The Committee previously noted that section 246 of the Criminal Code, which prohibits the unauthorized production, keeping and releasing for circulation of narcotics, does not specifically prohibit the use, procuring or offering of a child for the production and trafficking of drugs.

The Committee notes the Government's indication that human trafficking for the purpose of performing an illegal act is prohibited. In this regard, the Committee notes that section 388(1) and (2) of the Criminal Code prohibits recruiting, transporting, transferring, selling, buying, hiding or holding of a minor for the purpose of committing an offence. The Committee further notes the information in the Government's report that children are trafficked for the purpose of committing offences in Serbia; in 2010, five persons under 18 were trafficked for the purpose of the forced performance of criminal activities, while ten persons under 18 were trafficked for the purpose of exploitation in begging. ***The Committee requests the Government to specify whether section 388 of the Criminal Code applies to cases where a child who is not a victim of trafficking is used, procured or offered for the purpose of illicit activities.***

Provision of the Article 388 of the Criminal Code stipulates:

- (1) Whosoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another,



retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person's labour, forced labour, commission of offences, prostitution, mendacity, pornography, removal of organs or body parts or service in armed conflicts, shall be punished with a term of imprisonment of two to twelve years.

- (2) Where the offence referred to in Paragraph (1) of this Article is committed against a minor, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration.
- (3) Where the offence referred to in Paragraph (1) of this Article is committed against a minor, the offender shall be punished with a term of imprisonment of a minimum of three years.
- (4) Where the offence referred to in Paragraphs (1) and (2) of this Article results in grave bodily injury, the offender shall be punished by a term of imprisonment of between three and fifteen years, and where the offence results in grave bodily injury of a minor, as referred to in Paragraph (3), the offender shall be punished with a term of imprisonment of a minimum of five years.
- (5) Where the offence referred to in Paragraphs (1) and (3) of this Article results in the death of one or more persons, the offender shall be punished with a term of imprisonment of a minimum of ten years.
- (6) Whosoever habitually engages in offences referred to in Paragraphs (1) and (3) of this Article, or an organised group committing any such offence, shall be punished with a term of imprisonment of a minimum of five years.
- (7) Where the offence referred to in Paragraphs (1) and (3) of this Article is committed by an organised group, the offender shall be punished with a term of imprisonment of a minimum of ten years.
- (8) Whosoever knows or could have known that a person is a victim of human trafficking, and uses that person's position or enables someone else to use that person's position for the purpose of exploitation as referred to in Paragraph 1 of this Article, shall be punished with a term of imprisonment of between six months and five years.
- (9) Where the offence referred to in Paragraph (8) of this Article is committed against a person of whom the perpetrator knew or could have known is a minor, the perpetrator shall be punished with a term of imprisonment of between one and eight years.
- (10) A person's acceptance of exploitation or slavery or similar relationship as referred to in Paragraph (1) of this Article does not affect the existence of a criminal offence as referred to in Paragraphs (1), (2) and (6) of this Article.

Insofar as the criminal offence mentioned above is concerned, the National Public Prosecutor's Office acted in ten cases involving charges from the previous period,

while in 71 cases charges were brought during the reporting period, There were also 69 direct indictments, 49 unsolved investigations from the previous period, and 56 instances of charges being brought following investigation. Prison sentences were handed down in 29 cases, suspended sentences in three cases, while security measures were imposed with respect to one person. Charges were brought for a total of 44 criminal offences, 46 offences were found to have been perpetrated, and 13 offences were committed prior to this period.

Article 5 of the Convention and Part V of the report form. Monitoring mechanisms and the application of the Convention in practice. Trafficking. The Committee previously noted the Government's indication that a service for fighting organized crime (with an Anti-Trafficking Department) was created within the Administration of Crime Police, to investigate cases of human trafficking. The Committee also noted the Government's indication that there had been a total of 22 trafficking victims under the age of 18 (in 13 separate cases) registered during the reporting period. It requested information on the number of violations detected, related to the trafficking of persons under the age of 18, and on law enforcement efforts to combat this phenomenon.

The Committee notes the Government's indication that police officers of the Ministry of the Interior have undertaken numerous activities to realize the National Plan of Action to Combat Human Trafficking, including organizing workshops and round tables to raise awareness with children and youth on the subject of trafficking. The Government indicates that police officers took part in 359 public speaking events, reaching 24,301 students and 2,005 teachers and educational officials. The Committee also notes the information in the Government's report that approximately 50 per cent of identified trafficking victims are persons under 18 years of age. In this regard, the Committee notes that in 2009, 48 persons under the age of 18 (33 girls and 15 boys) were victims of trafficking, including 15 children under the age of 14. The Government also indicates that in 2010, 32 child trafficking victims were identified (27 girls and 5 boys), including 9 victims under the age of 14. The Government indicates that

in 2010, criminal charges were laid in connection with 47 cases, pursuant to section 388 of the Criminal Code. In both 2009 and 2010, the majority of girls were trafficked for the purposes of sexual exploitation, while the majority of boys were trafficked for the purpose of begging. The Government indicates that of the 10 victims of human trafficking identified in the first four months of 2011, two were females below the age of 18 years of age. The Committee further notes the Government's statement that the number of human trafficking victims, who are citizens of Serbia, is rising, including the number of children. ***The Committee requests the Government to continue to provide information on the application of section 388 of the Criminal Code related to the trafficking of persons under the age of 18, including the number of investigations, prosecutions, convictions and penalties applied. It also requests the Government to pursue and strengthen its law enforcement efforts with regard to effectively preventing and combating the trafficking of children.***

The Criminal Code explicitly states that where the offence (in this case, human trafficking, as defined under Article 388 of the Criminal Code) is committed against a minor, the perpetrator shall be punished with a term of imprisonment of a minimum of five years.

According to the statistics of the National Public Prosecutor's Office for 2012, in ten cases charges were brought for this particular criminal offence prior to the reporting period, and a further 71 brought in 2012. There were 69 requests for investigation resulting in 56 instances of indictments being brought following investigation. Prison sentences were handed down in 29 cases, while three suspended sentences were also pronounced. One person was the subject of a security measure, one was exempted from serving their sentence, one was fined, and seven were acquitted. Seven appeals by the prosecutors' office were upheld. In total, there were 44 instances of indictments being brought.

Commercial sexual exploitation of children. Following its previous comments, the Committee notes the detailed information in the Government's report concerning the application of section 185 of the Criminal Code, concerning the display, acquisition and possession of pornographic materials and pornographic abuse of under aged persons. In this regard, the Government indicates that the Public Prosecutor's Office acted upon 368 applications submitted in 2009 regarding this offence and 363 such applications submitted in 2010. The Government also indicates that in 2009 and 2010, the Public Prosecutor's Office determined that 274 criminal acts had been performed during the reporting period. In 2009, 83 prison sentences were handed down and in 2010, 95 such sentences were handed down. ***The Committee requests the Government to continue to provide information on the application of the Criminal Code provisions related to the use, procuring and offering of children under 18 for prostitution and pornography.***

As regards the criminal offence referred to in Article 185 (showing, obtaining and possessing pornographic material and using a minor for pornography), six criminal offences were found to have been committed in the reporting period, while the preceding period had seen five such offences. There were 20 requests for investigation, while ten prison sentences were handed down, as were four fines and 25 suspended sentences. Items were confiscated in three cases. No first-instance judgments were made against 18 indictees. Finally, 23 warnings were issued.

**The Criminal Code provides for the following criminal offences regarding this matter:**

**Showing, Obtaining and Possessing Pornographic Material and Using a Minor for Pornography**

**Article 185**

- (1) Whosoever sells, shows or publicly displays or otherwise makes available texts, pictures, audio-visual or other items of pornographic content to a child or shows to a child a pornographic performance, shall be punished with a fine or by a term of imprisonment of up to six months.
- (2) Whosoever uses a child to produce photographs, audio-visual or other items of pornographic content or for a pornographic show, shall be punished by a term of imprisonment of between six months and five years.
- (3) Where the offence referred to in Paragraphs (1) and (2) of this Article is committed against a child, the perpetrator shall be punished for the offence referred to in Paragraph (1) with a term of the imprisonment of between six months and three years, and for the offence referred to in Paragraph (2) with a term of imprisonment of between one and eight years.
- (4) Whosoever obtains for themselves or other person or possesses, sells, shows, publicly displays or electronically or by any other means makes available pictures or audio-visual or other items of pornographic content made by using a minor, shall be punished with a term of imprisonment of between three months and three years.
- (5) Items referred to in Paragraphs (1) through (4) of this Article shall be confiscated.

**As regards this criminal offence, the National Public Prosecutor's Office has acted in 4 cases regarding pending charges filed before the reporting period. A total of 17 proceedings were launched based on charges filed during the reporting period. Prosecutors also acted in eight proceedings under indictments; six offences were found to have been committed during the reporting period, while five were found to have been committed previously. Four prison sentences were handed down, as were two fines. Indictees were acquitted in eight cases, while four security measures were imposed.**

#### **Incitement of Minors to Attend Sexual Acts**

##### **Article 185a**

- (1) Whosoever incites minors to attend a rape, an act of copulation, or an equivalent act or some other sexual act, shall be punished with a term of imprisonment of between six months and five years and shall also be fined.
- (2) Where the offence referred to in Paragraph (1) of this Article is committed by the use of force or threat, or against a child, the offender shall be punished with a term of imprisonment of between one and eight years

**The National Public Prosecutor's Office brought four indictments for the above offence: in two cases, these were based on information, one was based on an investigation request, and in one instance the indictment was brought after investigation. In total, four offences were found to have been committed.**

**Abuse of Computer Networks or other Technical Means of Communication for Committing Criminal Offences against Sexual Freedom of Juveniles**

**Article 185b**

- (1) Whoever with intent to commit criminal offences referred to in Article 178(4); Article 179(3); Article 180(1); (2); Article 181 (2), (3); Article 182 (1); Article 183(2); Article 184(3); Article 185(2) and Article 185a of this Code, uses computer networks or other communication means to make appointments with juveniles, and appears at the place of the appointment, shall be punished with a term of imprisonment of six months and five years and shall also be fined.**
- (2) Whoever commits any of the criminal offences referred to in Paragraph (1) of this Article against a child, shall be punished with a term of imprisonment of between one and eight years.**

Article 6. Programmes of action to eliminate the worst forms of child labour. Trafficking of children. The Committee previously noted the Government's indication that Serbia was a country of transit, destination and origin of trafficking of women as well as local trafficking of women. It also noted the adoption of a National Plan for the Fight Against Human Trafficking 2009–11.

The Committee notes the Government's indication that it has implemented a preventative media campaign against human trafficking, including television advertisements and flyer distribution at border crossings, as well as a campaign entitled "Putjui bezbeno" (Travel Safe), dedicated to youth. The Government also indicates that roundtables and conferences have taken place since 2007 on the European Day to Fight Against Human Trafficking, and that it is using social network websites to help inform young persons about human trafficking. The Government further indicates that the Ministry of Internal Affairs, in collaboration with the UN High Commissioner for Refugees, the UN Office on Drugs and Crime and the International Organization for Migration, is implementing a Programme under the UN Global Initiative Fight Human Trafficking (UN GIFT), to combat trafficking more successfully and strengthen the relevant institutions in this regard. The Government indicates that this

programme is in line with the National Plan of Action for the Fight Against Human trafficking for 2009–11, and should be completed in June 2012.

Commercial sexual exploitation of children. The Committee notes the Government's statement that a Special National Strategy for the prevention and protection of children from trafficking and exploitation in prostitution and pornography should be made during the year, and that a draft of this National Strategy has been developed. ***It requests the Government to provide information on the implementation of the Special National Strategy for the prevention and protection of children from trafficking and exploitation in prostitution and pornography, once adopted, as well as on the results achieved.***

Article 7(2). Effective and time-bound measures. Clauses (a) and (d). Preventing the engagement of children in the worst forms of child labour and identifying and reaching out to children at special risk. Roma children. The Committee previously noted that the Ministry of Education was implementing several projects to facilitate access to education for Roma children. However, the Committee noted the information in the 2007 UNICEF report entitled "Report on Social Exclusion with Special Focus on Roma Children in South East Europe" that only 13 per cent of Roma children complete primary education. Moreover, the Committee noted the comments by the Confederation of Autonomous Trade Unions of Serbia that there was a significant number of under-aged children, especially Roma children, who were left to work in the streets and who were vulnerable to criminal acts. The Government also indicated that Roma children are still highly at risk of becoming victims of human trafficking, and are disproportionately victims of this worst form of child labour. In addition, the Committee noted that the Committee on the Rights of the Child (CRC), in its concluding observations of 20 June 2008, expressed concern about the continued vulnerability of Roma children to trafficking and economic and sexual exploitation. The Committee requested information on measures taken to ensure the protection of Roma children against the worst forms of child labour.

The Committee notes an absence of information on this point in the Government's report. However, the Committee notes that the CRC, in its concluding observations in connection with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-SC) of 22 June 2010, expressed concern that there are no specific programmes in place targeting particular groups of vulnerable children, such as Roma children (CRC/OPSC/SRB/CO/1, paragraph 31).

***Considering that education contributes to preventing children from engaging in the worst forms of child labour, the Committee requests the Government to strengthen its efforts to promote the access of Roma children to education as well as their retention within the educational system. It once again requests the Government to provide information on the results achieved through these measures, particularly with respect to increasing the school enrolment rates and reducing school drop-out rates of Roma children. Moreover, the Committee requests the Government to redouble its efforts to ensure the protection of Roma children from the worst forms of child labour, particularly trafficking for the purpose of sexual and economic exploitation, for illicit activities and for begging. It requests the Government to provide information on the effective and time-bound measures taken in this regard.***

Clause (b). Direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. Victims of Trafficking. The Committee previously requested information on the number of child victims of human trafficking which benefit from rehabilitation and social integration services available in Serbia.

The Committee notes the information in the Government's report that a cooperation agreement was concluded between the Ministry of Internal Affairs, the Ministry of Finance, the Ministry of Labour and Social Policy, the Ministry of Health, the Ministry of Justice and the Ministry of Education in November 2009,



with the purpose of establishing cooperation for the development of a National Mechanism for the identification, help and protection of human trafficking victims. The Government indicates that Transnational Referral Mechanism for human trafficking victims (standard operating procedures for the treatment of victims of trafficking) is a constituent part of this agreement. Nonetheless, the Committee notes that the CRC, in its concluding observations of 22 June 2010 in connection with the OP-SC, expressed its concern with regard to the absence of comprehensive services for the recovery and reintegration of children victims of sale, prostitution and pornography, including the lack of Government-operated shelters (CRC/OPSC/SRB/CO/1 paragraph 44). ***The Committee requests the Government to take measures to ensure that child victims of trafficking have access to appropriate services for their rehabilitation and social integration. Moreover, the Committee requests the Government to provide information on the operation of the National Referral Mechanism, including the number of victims under the age of 18 identified and provided with support. To the extent possible, all information provided should be disaggregated by sex and by age.***

## **Direct Request (CEACR) - adopted 2011, published 101st ILC session (2012)**

### **Minimum Age Convention, 1973 (No. 138) - Serbia (Ratification: 2000)**

Article 8 of the Convention. Artistic performances. The Committee previously noted the Government's statement, with regard to participation in artistic performances, that the labour law does not contain exceptions to the rule on prohibiting persons below the age of 15 to enter labour relations. The Committee requested the Government to indicate whether in practice children under the age of 15 years participate in artistic performances.

#### ***Ministry of Culture and Information:***

*Under the 2009 Law on Culture (Official Gazette of the Republic of Serbia, No. 72/2009), the Ministry of Culture and Information is tasked with supporting programmes for young people and children. Article 6(1)(19) of this law, which deals with general interest in culture, defines these programmes as aiming to promote creativity among children and creative arts intended for children and young people.*

*Previous legislation that governed general interest in culture had treated this issue similarly. This provision was for years used by the Department of Modern Creative Arts to issue calls for applications for financial support for programmes aimed at children and young people in various areas (theatre, dance, music, visual arts, literature, etc.)*

*These programmes do not entail work by children and young people, who are, rather, involved either as audience members or as creative artists.*

The Committee notes the copy of the Media Code of Conduct in respect of children, submitted with the Government's report. In this regard, it notes that section 13 of this Code, on children's participation in programmes and interviews, states that the media must take into account the preservation of a child's integrity and their right to a free and happy childhood. Section 13 also states that any such participation in a programme requires consent of the child, the child's parents or legal guardian, as well as the consent of representatives of any institutions

attended by the child, such as schools. Section 13 of this Code further states that the media shall respect any terms and conditions of educational authorities and other authorities for children, regarding their appearance in the media.

Parts III and V of the report form. Labour inspection and practical application of the Convention. The Committee previously noted that the Committee on the Rights of the Child, in its concluding observations of 20 June 2008, expressed concern at the continued existence of child labour in Serbia, in particular in rural areas and in the informal sector (CRC/C/SRB/CO/1, paragraph 67). It further noted that, according to the Multiple Indicators Cluster Survey, conducted by the Statistical Office of the Republic of Serbia in collaboration with UNICEF (released in 2007), 6 per cent of children between the ages of 5 and 14 were engaged in economic activity. The Committee noted that the number of children engaged in economic activity was higher in rural areas, and among boys, with 8.6 per cent of boys in rural areas engaged in economic activity. Nonetheless, the Committee noted that only a small fraction of working children did not attend school, with most combining economic activity with school attendance.

## **Labour Inspectorate, 2012 OPERATING REPORT**

**Article 60 of the Constitution of the Republic of Serbia stipulates that every employee is entitled to safe and healthy working conditions, which means that all employees are accorded protection.**

**A more specific definition of this right is provided under the Labour Law and the Occupational Health and Safety Law. General protection of employees entails multiple measures and activities aimed at protecting all employees, regardless of their place of work and position. This system of measures and activities is designed to prevent or reduce adverse effects of working conditions and processes on safety, health, and working capacity.**

**The occupational health and safety of particular categories of employees enjoy specific safeguards. These ensure additional protection of vulnerable categories of employees, those in poor or damaged health, employees in high-risk jobs, etc.**

## **Protection of young people**

**Three types of protection are extended to employees under 18 years of age, who are:**

- **Not allowed to perform certain jobs;**
- **Permitted shorter working hours; and**
- **Protected from having to work overtime, compensation hours, and nights.**

**Inspection oversight is used to monitor whether:**

- **An employee with documented medical issues is working overtime without having first been given a medical examination;**
- **Employees younger than 18 are employed in specific circumstances (involving particularly hard physical labour; working underground, under water or at dangerous heights; exposure to harmful radiation or toxic or carcinogenic substances; risks to health due to cold, heat, noise or vibration);**
- **Employees aged between 18 and 21 employed in specific circumstances (involving particularly hard physical labour; working underground, under water or at dangerous heights; exposure to harmful radiation or toxic or carcinogenic substances; risks to health due to cold, heat, noise or vibration) hold valid medical documentation to the effect that such work is not harmful to their health;**
- **Employment contracts of employees younger than 18 stipulate daily and weekly rest periods and whether such employees work more than 35 hours per week, or more than eight hours per day;**
- **Employees younger than 18 work overtime or work compensation hours; and**
- **Employees younger than 18 work nights, except in culture, sports, creative arts or advertising, or whether work interrupted due to force majeure must continue with adult employee supervision.**

## **Interventions**

**Orders are issued to instruct employers to stop requiring employees to do work that is statutorily prohibited where employees are found to work overtime in contravention of medical findings that state such work can further damage their health or where persons younger than 18 are found to be employed in jobs referred to in Articles 84, 85, and 88 of the Labour Law. In these cases, misdemeanour charges are also filed against the employer in question.**

**Where employees younger than 18 are required to work more than 35 hours per week or more than eight hours per day, orders will be issued to reduce working hours to the statutory level and misdemeanour charges will also be filed against the employer in question.**

## **Ban on child labour**

**The Labour Inspection must take part in the broader effort to safeguard children's rights and prevent their abuse by eliminating the worst forms of child labour. This is defined as child labour that is of such nature or intensity that it adversely impacts their education, health or development, meaning that children work at an excessively young age or in conditions that can harm their physical or mental growth and development. In these conditions, children are deprived of their childhood and future, which causes irreparable harm to individuals and society as a whole, and is a violation of international law that has devoted particular attention to children ever since it came into being.**

**Over the past several decades, the position of children has again become a focus of interest of the international community. Awareness has been growing of children's rights and the need to provide them with greater protection, particularly from abuse of their labour. In 1973, the ILO adopted its Convention No. 138 and Recommendation No. 146 concerning Minimum Age for Admission to Employment, and required member states to develop and apply national policies to protect children and safeguard their rights. In 1992, the ILO initiated the International Programme on the Elimination of Child Labour, which has had a major impact on the spread of awareness of the need to adopt new international standards in this area. The year 1999 thus saw the adoption of ILO Convention No. 182 and Recommendation No. 190 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which includes provisions designed to ensure protection through labour inspection oversight. These treaties signal the need for labour inspections to become involved in the effort to stop new forms of labour exploitation of children.**

**The international community demands an immediate prohibition of the worst forms of child labour through national legislation, as well as the taking of urgent and effective measures to eliminate them.**

**Inspectors are expected to devote particular attention to the issue of child labour and to:**

- Recognise and detect illicit work by children and initiate the sanctioning of those who organise it;**
- Take any and all measures to ensure that working conditions are adjusted to their abilities and needs;**
- Insist on the application of all preventive measures to ensure healthy and safe work by these persons;**

- Provide information and technical and legal advice regarding the conditions and modalities for hiring children and young people in line with regulations, and
- Understand prevention as their primary long-term aim and act to raise the awareness of society and local communities of dangers inherent in the excessively early employment of children, particularly in hazardous jobs, and of the possible long-term consequences of such employment not only on children but on the development of society as a whole.

These actions by the Labour Inspectorate require specific training in new policies, functions and procedures, as well as new skills and knowledge of child labour.

Child labour is most often encountered in the form of begging, which is not within the remit of the Labour Inspectorate but is rather the responsibility of the police.

The Committee notes the Government's statement in its report submitted under the Worst Forms of Child Labour Convention, 1999 (No. 182), that the Labour Inspectorate did not receive any requests for inspections related to the employment of persons below the age of 15 years of age, and that labour inspectors did not register any working person below the age of 15 years in the period between July 2009 and July 2011. However, referring to its comments made with respect to the Labour Inspection (Agriculture) Convention, 1969 (No. 129), in 2010, the Committee also observes that there has been a steep reduction in the number of inspections carried out in agriculture. The Committee further notes the information in the Government's report regarding several bodies responsible for monitoring the rights of children within the country. The Government indicates that the Committee on the Rights of the Child of the National Assembly was established in 2010, as a permanent independent body of the National Assembly, and that this body has the competency to monitor the implementation and application of relevant laws and regulations. The Government also indicates that the Deputy Ombudsman for Children's Rights (under the Office of the Protector of Citizens) has the power to initiate proceedings as well as to conduct surveys with regard to children's rights. ***The Committee requests the Government to indicate if any surveys are envisaged, by the Deputy Ombudsman for Children's Rights or other institutions, for the purpose of generating up-to-date statistical***

*information on the subject of working children. It also requests the Government to continue to provide information on the manner in which the Convention is applied, including information from the Committee on the Rights of the Child of the National Assembly and from the Labour Inspectorate, particularly with regard to children engaged in economic activity in agriculture and in the informal sector.*

**INFORMATION PROVIDED BY THE PARLIAMENTARY COMMITTEE ON THE RIGHTS OF THE CHILD**

*Article 64 of the Constitution of the Republic of Serbia stipulates that children enjoy human rights suitable to their age and psychological maturity.*

*Every child has the right to a personal name and to be registered in a registry of births, the right to learn about his or her ancestry, and the right to preserve his or her own identity.*

*Every child enjoys protection from psychological, physical, economic and all other forms of exploitation and abuse.*

*Children born out of wedlock have the same rights as those born in wedlock.*

*Rights of children and their protection are governed by law.*

**Decision of the Poverty Reduction Committee 32 No. 02-787/09 of 9 March 2009 established the Children's Rights Working Group, which was tasked with exercising control over the improvement and development of a system of safeguards of the rights and circumstances of children. It was also charged with monitoring the implementation and application of laws and other enactments governing safeguards of the rights and circumstances of children; monitor compliance of national legislation with international standards; co-operate with national and international institutions and bodies and civil society organisations; propose the adoption of specific enactments and measures; and promote children's rights to raise awareness of the importance of the issues of children's rights.**

**Article 67 of the Rules of Procedure of the Serbian Parliament (Official Gazette of the Republic of Serbia, No. 10/12 – Revised Text) governs the remit of the Committee on the Rights of the Child. Under this Article, the Committee on the**

**Rights of the Child, as a special standing working body, is tasked with considering Bills from the aspect of the protection of rights of the child; monitoring the implementation and application of laws and other acts regulating the status of the rights of the child; assessing conformity of national legislation with international standards in the area of the rights of the child; co-operating with national and international institutions and bodies, and with local authorities; initiating amendments of regulations and proposing the adoption of certain enactments and the application of measures aimed at the protection of the rights of the child; promoting the rights of the child; and considering other issues of importance for the rights of the child.**

**The Committee is also charged with the performance other activities in accordance with the law and the Rules of Procedure.**

**The Committee on the Rights of the Child co-operates with the parliamentary Committee on Human and Minority Rights and Gender Equality, as well as with other Committees as and when needed to protect and improve children's rights.**

**The Committee analyses laws and budgets from the standpoint of children's rights; continuously improves its capacities; hold public hearings related to topical issues from the standpoint of improving the rights and circumstances of children; improves its co-operation with local authorities from the standpoint of safeguarding children's rights; exchanges experiences with foreign entities and improves international co-operation in this area; and provides information to young people and involves them in the Committee's activities.**

**The Committee is a standing working body of the Serbian Parliament. Its chairman is the Speaker of the Serbian Parliament, while its membership is comprised of Deputy Speakers, representatives of Parliamentary Groups, and the chairperson of the Committee on Labour, Social Issues, Social Inclusion and Poverty Reduction.**

**The Committee's first sitting was held on 27 September 2012.**

**The Committee's chairman has established six working groups to enable effective and efficient oversight of the application of laws identified by the Committee as being of primary importance for safeguarding children's rights and improving their position in Serbia. These groups are:**

- 1. Working group to monitor the application of the Education Law insofar as it concerns inclusive education;**
- 2. Working group to monitor the application of the Social Security Law insofar as it concerns the development of community services crucial for supporting families with children with disabilities;**
- 3. Working group to monitor the application of the Family Law insofar as it concerns the protection of children from family violence;**
- 4. Working group to monitor the application of the Law on Underage Perpetrators of Criminal Offences and Criminal Protection of Underage**



- Persons insofar as it concerns the participation of underage persons in court proceedings;
5. Working group to monitor the application of the Law on Financial Support to Families with Children insofar as it concerns the allocation of child support; and
  6. Working group for petitions and proposals.

The Committee has to date not specifically handled any issues relating to the abuse of child labour in any form, but will in the future devote substantial attention to these concerns and will establish co-operation with all relevant government bodies and institutions, non-governmental organisations and UNICEF, to ensure that this key issue receives the attention it deserves and that children in Serbia are protected from labour abuse and exploitation in accordance with all standards laid down in Convention No. 138 concerning Minimum Age for Admission to Employment of 1973 and all standards in force in developed democratic nations.

As regards this issue, the Committee will particularly co-operate with the Committee on Labour, Social Issues, Social Inclusion and Poverty Reduction and with the Committee on Human Rights and Gender Equality.

#### STATISTICAL OFFICE:

##### Number of persons first employed between the ages of 15 and 18

Age when first employed	Number of employees
15	88,395
16	52,969
17	59,678
18	110,298
<b>Total</b>	<b>311,341</b>

##### Number of persons first employed between the ages of 15 and 18, by sector

Sector	No. of employees
Agriculture, forestry and fishing	179,907
Mining and quarrying	3,912
Manufacturing	33,131
Electricity, gas, steam and air conditioning supply	2,190
Water supply, waste management	3,463

Construction	12,835
Wholesale and retail trade; repair of motor vehicles	24,658
Transportation and storage	9,227
Accommodation and food service activities	5,994
Information and communications	1,024
Financial and insurance activities	1,024
Real estate activities	178
Professional, scientific and technical activities	993
Administrative and support service activities	2,468
Public administration and defence; compulsory social security	8,278
Education	2,781
Human health and social work	6,896
Arts, entertainment and recreation	3,433
Other service activities	4,232
Households producing goods and services for own use	4,587
Extraterritorial organisations and bodies	129
<b>Total</b>	<b>311,341</b>

Highlight indicates sectors with most employees

Додатни прилог Министарства рада, запошљавања и социјалне политике за припрему Извештаја о најтежим облицима дечјег рада на енглеском језику:

### **Children as beneficiaries of centres for social work**

Children under supervisory measures undertaken to monitor exercising of parental right. The data are disaggregated by groups of beneficiaries.				
	Children under supervisory measures undertaken to monitor exercising of parental right			
Groups of beneficiaries	Preventive supervision	Corrective supervision	Both measures of supervision undertaken	A total number of supervised children
Neglected children or children at risk of neglect	563	280	60	903
Children victims of violence	101	63	15	179
Children with behavioural issues	328	144	35	507
Children whose parents are in dispute about the manner of exercising parental right	217	106	126	449
Socially and financially vulnerable children	1.718	156	285	2.159
Other beneficiaries - children	641	61	1	703
Total in 2012	3.568	810	522	4.900
Total in 2011	2.718	660	114	3.492

\* Data from the Activity Report of Centres for Social Work in Serbia in 2012 prepared by the Republic Institute for Social Protection

<b>Structure of children by reason of application of guardianship protection measure</b>				
Reason of application of guardianship protection measure	Number of children 2011.	Number of children 2012.	% 2011.	% 2012.
Parents deceased	862	914	10,0	9,49
Parents unknown	78	74	0,9	0,8

Parents deprived of legal capacity	240	259	2,8	2,7
Parents prevented from exercising parental responsibility	1332	1476	15,5	15,34
Parents deprived of parental right	1622	1959	18,8	20,35
Inadequate parental care (abuse)	497	622	5,6	6,5
Inadequate parental care (neglect)	2352	2832	27,4	29,4
Parents who failed to acquire legal capacity	41	36	0,4	0,3
Other situations	1.566	1456	18,6	15,12
TOTAL	8.590	9628	100%	100%

\* Data from the Work Report of Centres for Social Work in Serbia in 2012 prepared by the Republic Institute for Social Protection

#### **Roma children as per type of placement in 2012**

Type of placement	Children	Young persons
Shelter/shelter station	47	13
Kinship foster family	65	7
Foster family	398	16
Residential care	62	23
Other	11	6
TOTAL	583	65

\* Data from the Work Report of Centres for Social Work in Serbia in 2012 prepared by the Republic Institute for Social Protection

**Подаци о основним резултатима  
ИДЕНТИФИКАЦИЈЕ за  
2013-у годину**

1. Укупан број случајева у којима је рађена идентификација у 2013-ој години је 173.

Табела 1: приказ пријава за идентификацију у односу на годину подношења пријаве

Година подношења пријаве	Број поднетих пријава
Пријава поднета у 2013ој години	132
Пријава поднета у 2012ој години	41
<b>Укупно поднетих пријава</b>	<b>173</b>

2. Од укупног броја случајева у којима је рађена идентификација, статус жртве трговине људима утврђен је у 53% случајева

Табела 2: приказ резултата идентификације

Резултат идентификације	број
<b>Идентификована жртва трговине људима</b>	<b>92</b>
Не ради се о жртви трговине људима	43
Није могуће успоставити контакт	16
Пријава није у надлежности ЦЗЗТЉ*	3
Идентификација је у току	19
<b>Укупно</b>	<b>173</b>

\*пријава се није односила на трговину људима. Разлози обраћања били су у надлежности других установа

3. Идентификоване су 92 жртве трговине људима. У односу на претходну годину број идентификованих жртава повећан је за 16%. Особе женског пола чине 68% идентификованих жртава.

Табела 3. Приказ идентификованих жртава трговине људима у односу на узраст и пол

узраст	пол		укупно
	м.	ж.	
малолетне	5	40	45
пунолетне	24	23	47
<b>Укупно</b>	<b>29</b>	<b>63</b>	<b>92</b>

4. Експлоатисане жртве трговине чине 83%, а потенцијалне 21% идентификованих жртава

Табела 4: структура идентификованих жртава трговине људима у односу на пол и утврђен статус

Утврђен статус	пол		укупно
	м.	ж.	
Експлоатисана жртва	29	47	76
Потенцијална жртва	0	16	16
<b>Укупно</b>	<b>29</b>	<b>63</b>	<b>92</b>

Табела 5: структура потенцијалних жртава трговине људима у односу на пол и узраст

Утврђен статус	пол				укупно
	м.		ж.		
	Мал	Пун.	Мал.	Пун.	
Потенцијална жртва	0	0	15	1	16
<b>Укупно</b>	<b>0</b>		<b>16</b>		

5. У 2013-ој години, у групи идентификованих експлоатисаних жртава, преовлађују сексуална (41%) и радна (29%) експлоатација, а у 3 случаја радило се о вишеструкој експлоатацији

Табела 6: приказ идентификованих експлоатисаних жртава трговине људима према врсти доминантне експлоатације, узрасту и полу

Врста експлоатације	до 18 година		преко 18 година		УКУПНО
	Ж.	М.	Ж.	М.	
Сексуална	14		17		31
Принудни брак	7		3		10
Радна експлоатација	1		1	20	22
Принуда на просјачење	3	5	1	2	11
Принуда на вршење кривичних дела				2	2
<b>УКУПНО</b>	<b>25</b>	<b>5</b>	<b>22</b>	<b>24</b>	<b>76</b>

Табела 7: приказ вишеструке експлоатације према врсти експлоатације

Доминантни вид експлоатације	Други вид експлоатације
Принуда на просјачење	Принуда на вршење кривичних дела
3	3

6. Од укупно идентификованих жртава, у 70% случајева ради се о националној трговини људима

Табела 8: приказ заступљености националне и транснционалне трговине људима

Нац./трансн. трговина	Експлоатисана жртва	Потенцијална жртва	укупно
Национална	50	14	64
Транснационална	26	2	28
<b>Укупно</b>	<b>76</b>	<b>16</b>	<b>92</b>

7. У групи идентификованих експлоатисаних жртава, Србија је земља експлоатације у 68% случајева, а од жртава експлоатисаних у Србији (52), 56% је малолетно.

Табела 9: приказ структуре идентификованих експлоатисаних жртава трговине људима у односу на земљу експлоатације и узраст

Узраст жртве	Држава експлоатације							Укупно
	Белорусија	Италија	Француска	Швајцарска	Аустрија	Хрватска	Србија	
малолетна		1					29	30
пунолетна	19		1	1	1	1	23	46
<b>УКУПНО</b>	<b>19</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>52</b>	<b>76</b>

8. Друга земља по броју идентификованих експлоатисаних жртава, држављана РС, је Белорусија, са 25% експлоатисаних жртава.

Табела 10: структура идентификованих експлоатисаних жртава трговине људима у односу на земљу експлоатације и вид експлоатације

Вид експлоатације	Држава експлоатације							Укупно
	Белорусија	Италија	Француска	Швајцарска	Аустрија	Хрватска	Србија	
сексуална				1		1	29	31
радна	19	1					2	22
просјачење							11	11
Принуда на брак			1		1		8	10
Принуда на вршење кривичних дела							2	2
<b>УКУПНО</b>	<b>19</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>52</b>	<b>76</b>



9. Табела 11 Приказ идентификованих експлоатисаних жртава трговине људима према врсти експлоатације, узрасту, полу и обележјима националне/транснционалне трговине људима

Врста експлоатације	национална				транснционална			
	малолетни		пунолетни		малолетни		пунолетни	
	М.	Ж.	М.	Ж.	М.	Ж.	М.	Ж.
Сексуална		14		15				2
Радна				1		1	20	
Просјачење	5	3	2	1				
Принудни брак		6		1		1		2
Принуда на вршење кривичних дела			2					
Збир	5	23	4	18		2	20	4
		28		22		2		24
Збир национална/транснционална		50				26		
Укупно				76				

9. Држављани Србије су доминантна група идентификованих жртава, чине 96% од укупно идентификованих жртава

Табела 12: Структура идентификованих жртава у односу на држављанство и утврђен статус у Идентификацији

Држављанство	Идентификована Експлоатисана жртва	Идентификована Потенцијалана жртва	УКУПНО
Србија	74	14	88
Без држављанства*	2		2
Сирија		1	1
Македонија		1	1
УКУПНО	76	16	92

\*ради се о расељеним лицима са територије Црне Горе која нису регулисала документацију

10. Током године у процесу идентификације је било 14 страних држављана, од којих је за 4 држављанке утврђен статус жртве трговине људима

Табела 13: Приказ резултата процене ради идентификације за стране држављане

Земља порекла	Идентификована жртва	Не ради се о жртви	Идент. Није извршена	Идентификација у току	Укупно
Без држављанства	2				2
Сирија	1				1
Македонија	1				1
Норвешка		1			1
Хрватска		2			2
Куба		2			2
Албанија		1			1
Сомалија		1			1
Авганистан			2*		2
Француска				1	1
<b>Укупно</b>	<b>4</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>14</b>

\*2 држављана Авганистана напустила су смештај у Боговаћи непосредно након пријаве случаја, а пре изласка стручних радника Службе на терен ради идентификације

11. У Србији су експлоатисана 2 страна држављана, односно 2 особе без држављанства, а ради се о расељеним лицима из Црне Горе која нису регулисала документе, женског пола.

Табела 14: приказ структуре страних држављана експлоатисаних у Србији у односу на земљу порекла, и узраст

Земља порекла	Експлоатисана жртва		укупно
	Мал.	Пунол.	
Без држављанства	1	1	2
<b>УКУПНО</b>	<b>2</b>	<b>2</b>	<b>2</b>

12. Значајна је заступљеност препознавања жртава у систему социјалне заштите (21%), док и даље највећи број захтева за идентификацију долази из полиције (73%). Организације цивилног друштва ( домаће и међународне) покренуле су процес идентификације у 6% случајева

Табела 15: структура установа и организација које су покренуле процес идентификације

Подносиоц пријаве	Број пријава
Министарство унутрашњих послова	96
Систем социјалне заштите	27
Организације цивилног друштва	8
Више јавно тужилаштво	1
<b>УКУПНО</b>	<b>132</b>