



THE REPUBLIC OF SERBIA

42 – 813 / 10
Belgrade



Protector of Citizens
Ombudsman

Ev.No. 19355 Date: 30.09.2011.

RESULTS OF THE RESEARCH OF CHILDREN BEGGARY IN SERBIA

This article will mostly focus on the results of the research of children beggary in Serbia, which has been undertaken by the institution of the Protector of Citizens/Ombudsman in cooperation with an NGO - Youth Integration Centre, an organization well-known both in Serbia and in the entire region by its „Shelter for Street Children“ project, and beggary is just the thing many of these children do.

The research included experts working in Social Welfare institutions (Centres for Social Work and institutions for the accommodation of children), police administrations and non-governmental organizations, as well as a number of children begging in the streets and their parents.

In the data collection and analysis, we have used the quantitative and qualitative approach. Data collection techniques included surveys, and group (focus group) and individual interviews.

The quantitative analysis used the descriptive statistics method and the qualitative analysis used the open-ended answers method and both of them included the total of 182 questionnaires. The total number of institutions completing the questionnaires included, as follows: 91 social welfare institutions, 81 police administrations and stations and 10 non-governmental organizations¹.

The qualitative analysis was executed on the transcripts of six group interviews with children begging in the streets (two in Belgrade, Novi Sad and Nis, respectively), on the transcripts of individual interviews with children begging in the streets and the transcripts of 6 group interviews with the employees in state institutions, organizations and NGOs.

This is the first comprehensive research in Serbia dealing with the children included in the life and/or work in the streets, including the children begging for living. This research has helped us reach conclusions on the basis of which we have determined the top-priority problems, which are, at the same time, challenges placed before public authorities, related to the suppression and prevention of children beggary in the Republic of Serbia. In short, these problems can be defined, as follows:

¹ From the territory of Serbia without autonomous provinces: 44 police administrations and stations, 49 social welfare institutions and five non-governmental organizations; from the territory of AP Vojvodina: 37 police administrations and stations, 42 social welfare institutions and five non-governmental organizations

1. The lack of knowledge about, and therefore, the lack of understanding of the notion and significance of children beggary – the lack of legal definition of the notion.

The notion of children beggary is non-existent in the Serbian legislation because these regulations include no norms defining the word „beggary”, and children beggary is not separated from adult beggary.

In the regulations of the Republic of Serbia, beggary appears as a manner of perpetrating an offence (communal, against the public order and peace, etc); as a goal of perpetrating a crime (human trafficking, neglect and abuse of minors); and as a manner in which a forbidden action is performed against another person (parental rights' abuse). Children beggary, unlike the general notion of beggary, can only be recognized in the part referring to the criminal offence of Neglect and Abuse of Minors, where children beggary is listed as one of the potential goals of child coercion performed by an adult.

As a consequence, there is no consensus among the experts dealing with children, or among the competent state systems and the non-governmental sector, on the manner of acting and protecting in cases of children beggary, there is no agreement on the meaning of the notion of beggary and, especially, on what does the notion of children beggary include, i.e. which activities of children whose life and work are street-related can be included in the notion of beggary.

The following stereotypical image is dominant: a young (mostly Roma) child, who is physically, medically and educationally neglected, alone or accompanied by, in most cases, an older child or an adult female person, who extends his/her hand and/or sings or plays an instrument trying to awake compassion or pity of passers-by in order to obtain money from them.

The manner in which children who beg define begging is extremely different from the attitudes of the adults dealing with such children. Children make a difference between „working” and „begging”. Washing car windows, selling flowers, helping drivers find a parking spot, collecting waste materials (cardboard, paper, copper), singing and playing an instrument in public transport or in public places – all this is regarded as work by these children.

Nevertheless, begging is not work, but undesired behaviour which is necessary in order to provide basic existential means.

2. The lack of records and data on the characteristics and presence of children beggary

No state authority system keeps records on this social occurrence, and, especially, there are no systematic and comprehensive records of children whose life and work are connected with the street and who beg in the streets. The social welfare system and the police are the only ones who have access to indirect data (through contacts with other bodies and institutions, information obtained from the citizens, from the children begging and their parents and relatives), therefore, unfortunately, one can only speaks of assumptions and rough estimates.

By using all the above said data sources, 35 social welfare institutions have determined that 225 children participated in begging in 2010.

According to those data, a half of children included in begging activities are 10 to 14 years old, and as much as 45% of those children is between one and ten years old. Begging children tend to gravitate towards large cities and regional centres, such as Belgrade, Novi Sad and Nis, and they also migrate towards tourist centres depending on the time of year and tourist season.

The establishment of records is definitely made even more difficult by the fact that there is no unique definition of the notion of children beggary among experts, as well as by the fact that street children cannot be identified due to the lack of personal documents and the fact that these children have not been entered into Birth Registry. The second fact has even more serious repercussions. Namely, such children have no health security, are offered no education and they cannot use all social welfare services (which are, at times, more than appropriate).

3. The lack of understanding of the conditions and risk factors of children beggary

Representatives of executive governmental bodies (belonging to the social welfare system and the police) have estimated that the following are the basic risk factors for the occurrence of children beggary: in 74% of cases – belonging to the Roma ethnic group and being forced to beg by an organized group, whereas poverty and being a homeless child have a significantly lower influence (7% and 8%, respectively).

Nevertheless, poverty is definitely a significant risk factor, and according to the children themselves, it was just the poverty that caused such children to start begging. Also, this has been acknowledged in the Serbian National Report (March 2011) on the inclusion of young Roma children, along with an estimate that the poverty of Roma children is ten times higher than the poverty registered among the majority population.

4. Insufficient understanding of the crucial significance of the early childhood

The previous point is closely related to the lack of timely reaction of the system to the children ages 0 to 6, when such children start facing the poverty and the life in jeopardizing conditions which are far from being stimulating in every sense.

If such situation when attention at children is paid only when the time comes for them to start the mandatory pre-school and primary education, it will especially be late for children living and growing in the streets in poverty, without adequate early stimulation in a family environment, unsafe, exposed to conditions which jeopardize their lives and development and to the most extreme modes of exploitation.

5. Exclusion of children, their opinion and contribution to the understanding, eradication and prevention of children beggary.

We have already seen that the perception of children begging in the street is different from the perception of the employees in this sector. Therefore, it does not surprise that more than 50% of children covered by some form of protection measures offered by the state return to the street and continue begging, because these measures are both inefficient and inadequate.

6. The inaccessibility and impossibility of exercising the rights of these children in all systems (legal, social, medical, educational, safety)

The current legislative regulations focus more on the services and measures, as well as the competent authorities and institutions rendering the said services and undertaking the said measures, instead of focusing on the children themselves, and even if the documents and regulations mention the children, they usually refer to the children registered with any of the state systems, which means that there are entire groups of children who fall victims to social exclusion, neglect, abuse and exploitation (children living and working in the street and dealing with begging, Roma children, young children and children without personal documents) and fall through the cracks of the governmental agenda.

7. The lack of field activities and of undertaking measures and rendering services intended to alleviate the damage suffered by the children whose lives and work are related to the street and depend on begging.

Despite the recognition that these children are the ones most susceptible to different forms of abuse and exploitation by organized groups dealing with human trafficking, prostitution, distribution and sales of psychoactive substances, organized beggary and other criminal activities, the said children are not protected by the social welfare system or by police, or by any of other systems (PA's office, the courts do not prosecute the culprits) due to the difficulties in the identification, the missing personal documents and the fact that these children are not recognized as victims, which will also be discussed later in this article.

In the Republic of Serbia, it is only the non-governmental sector which has the necessary services for direct rendering of field services and for undertaking the measures with a view to alleviating the damage suffered by the children due to their long life and stay in the street and dealing with beggary. At that, although they perform this important role, these organizations still do not get any funds for their operation from the local government/municipal budget and/or from the state budget.

8. Incomplete and inadequate legal framework for the eradication and prevention of children beggary

The regulations defining beggary as an offence do not quote the legal meaning of this word. Considering the differences among the governmental bodies, but among the experts working within one and the same body, as well, regarding the fact which behaviour can be defined as beggary, the application of law onto cases of beggary can significantly differ from one governmental body to the other, and these differences will not be based on law, but on the free interpretation of the decision-maker.

Regulations defining beggary as an offence include no special norms for cases in which the perpetrator of the offence of beggary is - a child, and the provisions of the regulations referring to the responsibility of legal entities which are guardians of children involved in begging activities have never been applied in practice.

The children involved in begging, both in the regulations and in practice, do not have a clearly recognized status as children who are victims of exploitation, violence, abuse and neglect. On the contrary, as soon as they turn 14, these children are regarded as perpetrators of criminal activities – an offence, they become a legitimate object of police authorizations and the authorizations of the communal police, they undergo criminal procedures and are penalized by certain sanctions.

Children beggary is always and without an exception a form of exploitation of children, their abuse and neglect. Exposed to daily jeopardizing of their lives and health and risks of falling victims to human trafficking, excluded from regular education, an adequate family environment, peer groups, with the imposed duties of an adult person responsible for their own existence and for the existence of their families, bereft of most activities accompanying a healthy childhood and the period of growing-up, children involved in begging are deprived in all segments of their lives, and their proper development and welfare are endangered permanently and in multiple ways.

9. Insufficient capacities, inadequate competences and measures of the state and the non-governmental sectors in the eradication and prevention of children beggary

The capacities are insufficient, both in terms of financial funds and in terms of the number of employees, their knowledge of and training for working with children involved in begging. The consequences of the above said include difficulties in the execution of preventive activities, and they also contribute to the undertaking of inefficient and inadequate measures.

There are no professional standards defining the manner in which state authorities and institutions should act in cases of children beggary. In cases when certain measures are undertaken, they are characterized by the lack of organization, the non-existence of any system, and randomness. The effects of the undertaken measures are not followed-up and are not analysed. Where data do exist, they indicate that the highest number of children who have suffered legally defined sanctions because of begging return to the streets and continue begging. Criminalization and sanctioning of children involved in begging has not reduced the number of „street children”, or children beggary, either.

The state authorities and institutions cannot recognize their role in the prevention of children beggary. They consider that they are responsible for reactive activities only – most of these are protective, and a smaller part of them is repressive. In accordance with this attitude, the measures undertaken by the competent authorities and institutions are just in function of their reaction to children beggary and are not directed to its causes. Preventive measures – the ones which are available and can have some influence on the causes of children beggary (such as financial help) – are undertaken in a small scope only.

10. The lack of inter-institutional and inter-sector cooperation and of coordination of their actions

The relations between the authorities and institutions are characterised by the lack of essential cooperation because the current cooperation boils down to „servicing” and rendering occasional services. Information in most cases go in one direction only and there are no joint activities. Systems, which a child involved in beggary has to go through, are closed and there is no information flow between them. These systems do not get any feedback from other systems to which they sent a child involved in beggary, and since there are no data on what happened to the said child, they have no possibility to evaluate the measures which have been undertaken.

The cooperation between the authorities and institutions with the civil sector is on a very low level, even in case of civil society organizations which deal with children involved in beggary and can be a significant resource in the prevention of children beggary.

11. The lack of cooperation between standard-prescribing systems and those which are to observe these standards

There is no „vertical” or „horizontal” cooperation between ministries, as systems determining and prescribing work standards and policies, and lower-level authorities, which are meant to apply them (social welfare institutions and police stations and administrations), which causes a dissonance between the prescribed strategies, rules and standards in the area of children protection and their implementation in practice and everyday and specific actions of state authorities and institutions.

You will notice that all 11 conclusions are negative (suffer from some lack, insufficiency, etc.), and not even the one cannot be called affirmative. Ergo, in terms of children beggary, the image of the situation in Serbia is not optimistic at all.

One conclusion that can be reached after the 11 negative conclusions listed above is that the responsibility for the child „labour” and children beggary is to be undertaken by everybody – except by the children themselves. The cultural and social milieu and economic conditions in which the families of children involved in beggary live do not release them from the responsibilities for

the proper upbringing and development of their children. Nevertheless, the fulfilment of their parental duties requires an intensive social and governmental support, which is, at the moment, sporadic and random, burdened by many conditions which cannot be met by these families. The state is responsible in multiple ways: as the bearer of the duty to provide proper help and support to the parents who directly take care of children in the exercise of their parenthood; as an alternative „guardian” of children without parents, i.e. of children which are jeopardized within its nuclear family; and as the bearer of the obligation to protect each and every child from violence, abuse, neglect and exploitation.

Based on the above given findings of the said research, the Protector of Citizens/Ombudsman has made the following **RECOMMENDATIONS** organized according to their key topics and pursuant to the entities responsible for resolving them:

1. It is necessary for the Children's Rights Council and the Government of the Republic of Serbia to prepare a comprehensive national strategy for the protection of children whose lives and/or work are related to the streets („street children”) and submit it to the National Parliament for adoption, which strategy would define the standards and principles, the general guidelines, the competent national bodies and mechanisms for the reduction, prevention and eradication of instances of children living and working in the street and all forms of children abuse and exploitation.

In the preparation of the national strategy, it is necessary to provide the highest level of participation of the children whose lives and/or work are related to the street and to include their perspective in the strategic planning.

2. It is necessary for the Serbian Government to adopt a protocol for the protection of children whose lives and/or work are related to the street („street children”), which would determine the competences, measures, actions and activities of state authorities, authorities of territorial autonomies and local government bodies and public services, the manner of exhaustive information exchange, responsibilities, control mechanisms, implementation monitoring and the evaluation of the undertaken measures, and would define expert teams for their implementation, as well as a body which would coordinate their actions and joint activities.

3. It is necessary for the National Parliament of the Republic of Serbia to include the consideration of the Draft Law on the Rights of the Child in their agenda, which Law would be submitted by the Ombudsman in accordance with his legally allowed actions (more on that later on).

4. The Ministries of Justice and of Internal Affairs have to alter the current regulations defining offences and infringement procedures, in order to exclude the liability of a child for beggary and vagrancy, and to recognize the status of a victim of the offence committed by the activities of beggary and vagrancy to the child involved in beggary.

5. The Ministries of Justice, Internal Affairs and of Labour and Social Policy have to alter the current regulations defining the record keeping in order to determine a manner of recognizing children beggary and child labour, to define indicators for monitoring this social occurrence and to provide comprehensive monitoring of cases of children beggary.

6. The Ministry of Internal Affairs has to alter the current regulations which define crossing state borders in order to regulate the manner in which children (persons under the age of 18) cross a state border on their own, i.e. accompanied by persons who are not their parents, i.e. legal guardians.

7. The Ministry of Human and Minority Rights, Public Administration and Local Self -Government has to alter the regulations defining the competences, authorities and duties of the communal

police in order to prescribe a mandatory training of communal police officers in working with children, and especially in working with children whose lives and/or work are related to the streets.

8. The Ministries of Justice, of Internal Affairs, of Labour and Social Policy, of Health and of Education and Science will alter the current expert educational programmes on the implementation of the General and Special Protocols for the Protection of Children from Abuse and Neglect to include the training on working with the children whose lives and/or work are related to the street („street children“), i.e. will prepare special programmes for the education of experts on the lives and work of the „street children“.

9. The Children's Rights Council in the Serbian Government will organize a national campaign in order to draw the attention of the general and professional public onto cases of children beggary, to inform the said public on the risks and jeopardizes faced by the children included in beggary and on the consequences of their lives and work in the streets.

The national campaign will especially promote the significance and importance of the early childhood and of timely high-quality interventions, as well as the reduction of the poverty for all children with a view to preventing and eradicating children beggary.

10. When planning their budgets, local government units will consider a possibility of allocating financial funds for the support to civil society organizations and their activities undertaken with a view to protecting and helping „street children“, the reduction and prevention of children beggary and the protection of children included in beggary, and all this either individually or in cooperation with state authorities and public services.

11. The Ministries of Labour and Social Policy, of Education and Science, of Internal Affairs, of Health and local self-government units will plan, organize and use the local authorities and institutions to implement actions of approaching children involved in begging, „entering“ their settlements and of field work intended for the promotion of and information on the services and rights which can be exercised by children involved in begging.

12. The Ministry of Human and Minorities Rights Public Administration and Local Self-Government, the Ministry of Internal Affairs, the Ministry of Labour and Social Policy, the Ministry of Health and the Ministry of Education and Science will collect and edit the examples of good practice and prepare materials for the professionals, as well as materials (brochures, flyers, etc) for children involved in beggary and their parents, which materials will explain the risks and consequences of long-term stay and work in the street on the lives and development of children.

The recommendation referring to the adoption of a comprehensive Law on the Rights of the Child is especially important both to me and to other advocates of the children's rights concept in Serbia. The question which is of direct importance for the issue of children beggary is a part of a Draft Law referring to the special children protection measures. Special protection measures refer to the provision of an exhaustive and comprehensive protection of the best interests of children belonging to the especially vulnerable groups. The Draft Law defines that the especially vulnerable groups include: children which have been victims of violence, neglect, exploitation, sexual assaults and exploitation, children trafficking, street children, children which have been victims of the abuse of drugs, tobacco, alcohol and other psycho-tropic substances, as well as of the abuse of medications and having other harmful habits, children belonging to sexual minority groups, children under the age of 14 who have committed legal offences, children breaching the law, asylum-seeking children and refugees, children with disabilities and children belonging to national minorities. The Draft also defines what a child victim is and it defines him/her as a child which has suffered violence, neglect, labour or any other form of exploitation, sexual assaults or exploitation, a child who is a

victim of human trafficking, but also a child witnessing such exploitation and violence, even a child threatened or intimidated with the above mentioned actions.

When referring to these especially vulnerable groups of children, the Draft separately defined the obligation of the public authorities to act preventively and to help and support the parents or guardians of such children. Also, the public authorities undertake to provide continuous training on all risk factors threatening the healthy and safe life and development of children belonging to especially vulnerable groups, which training will be intended for the children, parents, guardians, foster parents and other physical entities raising and nurturing a child, but for professionals dealing with children, as well. Apart from the training, one of the tasks of the public authorities will include the implementation of a continuous campaign for raising the awareness of risk factors threatening the healthy and safe life and development of children belonging to especially vulnerable groups and of their rights.

The general provisions of the Draft define, among everything else, the right of children to be safe in the following environments: within the family, in an educational institution, in the local community, in an institution wherein a child stays and in the work place (if a child is more than 15 years of age and working). We have also introduced a novelty here which requires the parents or persons raising and nurturing a child to provide constant supervision of a child under the age of 10, and an adult escort to all children under the age of 15 after 11 pm; if the responsible adults fail to observe these measures, they shall be prosecuted.

These measures will probably draw special attention, but the Working group that prepared the Draft Law, shared a unanimous opinion that these propositions are necessary in order to reduce all situations exposing a child to the risk of becoming a victim to the very minimum.

As for the introductory articles, I would also like to mention the article requiring a mandatory cooperation of the public authorities, legal and physical entities in the exercising, improvement and protection of the children's rights.

I would like to finish with a sincere belief that the Law on the Rights of the Child, although I have little trust in the power of law *per se*, will gradually change the consciousness of the professionals working with and for the children, as well as of parents and other persons taking care of children and the entire public and their understanding that respecting children's rights is the first necessary step in the creation of a responsible, successful and satisfied individual, and consequentially, of a society which would develop the same characteristics.

