**Accomplishments of the Republic of Serbia**

The Republic of Serbia was among the first European countries to confirm the Convention of the Council of Europe on the protection of children against sexual exploitation and sexual abuse, and thus demonstrated the dedication to the protection of child rights but also assumed the obligation to take all necessary legislative and other measures with the aim of the prevention and protection of children against the sexual exploitation and sexual abuse, pursuant to the rules and standards designated by this international document.

The Constitution of the Republic of Serbia contains two extremely important provisions which refer to the position of ratified international agreements: the first one, that ratified international agreements are immediately enforced and the second one, that ratified international agreements are legally stronger than the law.

In the normative framework of the Republic of Serbia there is a progress made when it comes to the protection of children against sexual abuse, both through the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and through the improvement of the domestic legislation. Many amendments to domestic legislation ensued after the recommendations and initiatives of the Protector of Citizens. Therefore, upon the initiative of the Protector of Citizens, the Criminal Code was amended by the introduction of new criminal acts, such as Sexual Harassment, Stalking, Female Genital Mutilation and the penalty policy was tightened for some criminal acts committed to the detriment of children. This law contains also other provisions of importance for criminal-legal protection against sexual violence, such as the provisions on safety measures; by special circumstances for the designation of the punishment if the criminal act was committed from hatred caused by the affiliation to a race or religion, national or ethnic affiliation, sex, sexual orientation or gender identity of another person; provision on protective custody.

The Law on the Protection of Domestic Violence, whose enforcement was initiated in June, 2017, prescribed special rules applied by the police, judiciary authorities (courts and prosecutors) and centers for social work when there is a doubt that a criminal act of domestic violence was committed, or some other act prescribed by this law. Special rules involve also short deadlines for taking actions; the obligation of the police to perform risk assessment; potential imposition of emergency measures, as well as special rules aimed at the establishment of the permanent multi-departmental cooperation at the operating level.

The Law on Special Measures for the Prevention of Committing Criminal Acts against Sexual Freedom to Minors was adopted after the submission of the initiative of the Protector of Citizens for the introduction of specific criminal-legal provisions with the aim of the protection of children against sexual exploitation and sexual abuse and harmonization of the regulations with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. This law prescribes special provisions in the case of the committing of criminal acts against the sexual freedom to minors, such as the provisions on the absence of the statute of limitations of the prosecution, prohibition of the mitigation of the punishment and parole, special legal consequences of the conviction, special measures which are imposed to the offender and which may last up to 20 years and on the special record of the convicts for such criminal acts.

The Law on Minor Offenders and Criminal-Legal Protection of Minors, which contains the provisions which provide that the court may apply certain measures of the protection of children victims (for instance, provisions that a minor victim must have an attorney, that in the proceedings only judges and prosecutors, police officers and attorneys who acquired special knowledge on child rights and criminal-legal protection of minors may be present, that the court may hold the hearing of the child outside the court and by using technical means for the transfer of image and sound, that minors may be heard outside the courtroom, the limitation to the number of hearings of the child, with the option to allow the court to exceed this number if it is to the interest of the criminal proceedings). The Law on Criminal Proceedings which contains the provisions on especially vulnerable witnesses. The Law on Social Protection which contains the provisions on services of social protection designated for the violence victims.

The Family Law contains a number of provisions referring to the abuse and neglect of children. The Law on the Fundamentals of the Educational System defines sexual violence against children and prescribes the prohibition of every form of violence against children. The Rulebook on the Protocol of Actions at an Institution as a Response to Violence, Abuse and Neglect, defines sexual violence and prescribes the steps which must be taken by the educational institutions.

General and special protocols which regulate the activities in the protection of women against violence and protection of children against violence, abuse and neglect: General Protocol for the Protection of Children against Abuse and Neglect; General Protocol on the Actions and Cooperation of Institutions, Authorities and Organizations in the Situations of Violence against Women in Family and Partner Relations; Special Protocol on the Actions of Police Officers in Cases of Violence against Women in Family and Partner Relations: Special Protocol on the Actions of Centers for Social Work – Guardianship Authorities in Cases of Domestic Violence and against Women in Partner Relations; Special Protocol of the Ministry of Health and Treatment of Women Exposed to Violence; Special Protocol for Judiciary in Cases of Violence against Women in Family and Partner Relations; the Rulebook of the Ministry of Education, Science and Technological Development on the Protocol of Actions at Institutions in Response to Violence, Abuse and Neglect; Special Protocol on the Protection of Children against Abuse and Neglect in Judiciary Authorities; Special Protocol of the Health Protection System for the Protection of Children against Abuse and Neglect; Special Protocol on the Actions of Police Officials in the Protection of Minors against Abuse and Neglect.

**Challenges**

The level of criminal law protection afforded to a child depends on his/her age. The Criminal Code uses three terms to refer to children (persons under 18 years of age): an underage person is a person aged 0 to 18 years; a child is a person aged 0 to 14 years; while a minor is a person older than 14, but younger than 18 years. The potential penalties and the manner of prosecution for certain criminal offences depend on the age of the victim.

Due to the lenient penal policy and low potential sentences, the committers of certain forms of sexual abuse or exploitation of children (e.g. illicit sexual acts, non-consensual intercourse with a minor) can receive a probationary sentence or can even be subject to suspended criminal prosecution (an arrangement in which the committer is not criminally prosecuted if he/she performs a statutory obligation).[[1]](#footnote-1)

The criminal offences of incest and civil union with an underage person are not included in the chapter of the Criminal Code which covers criminal offences against sexual freedom, although they essentially imply sexual activities with a child (underage person).[[2]](#footnote-2) This precludes the application of the Law on Special Measures to Prevent Criminal Offences against Sexual Freedom of Minors, because that Law stipulates it applies to “committers of criminal offences against the sexual freedom of underage persons”.[[3]](#footnote-3)

Under the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles[[4]](#footnote-4), underage victims of criminal offences cannot be questioned more than twice; however, *in exceptional circumstances they can be questioned more than twice* where this is necessary in order to achieve the purpose of criminal prosecution. Furthermore, under the same Law a judge *may* *decide* to question an underage victim using image and sound transmission technology, without the presence of the parties and other participants in the proceedings, in the room where the witness is currently located, in such a way that the parties and other persons authorised to question the witness can ask questions only through a judge, a psychologist, a pedagogue, a social worker or another relevant professional[[5]](#footnote-5). Underage persons *can be questioned* as witnesses/harmed parties in their home or another room or at an authorised institution/organisation with technical capacities for questioning underage persons. Finally, it is prohibited to demand of an underage victim to confront the accused in court if the underage person *“is particularly vulnerable or is in a particularly difficult mental state due to the nature of the criminal offence, its consequences or other circumstances”[[6]](#footnote-6)*, which means that child victims whom the court does not consider to be “particularly vulnerable” or “in a particularly difficult mental state” may have to confront the accused.[[7]](#footnote-7) From the provisions of the Law it follows that judges and prosecutors are authorised to decide whether to apply the measures designed to protect a child victim (use of video and sound recording and questioning of a child outside of the courtroom, limiting the number of questionings of the child to two) and to assess the child’s state when conducting the procedural action of confronting the witness with the accused. In practice, children are often questioned more than twice, in a courtroom, and cross-examination is not uncommon. According to the available information, 66% of judges question child victims in the courtroom, 10,6%in their chamber, while only about 3% of them question child victims in a room specifically adapted to children (either in or outside of court). No judge has so far questioned a child in the child’s home, at school or at another institution for children. Prosecutors have acted in a similar fashion.[[8]](#footnote-8)Audio and video recording is very rarely used and the same is true also of specialised screen rooms, in places where they exist and are equipped with appropriate technology.[[9]](#footnote-9)

Sexual abuse is not always reported when there is “reasonable suspicion”[[10]](#footnote-10) that a child has been exposed to sexual abuse, due to the widespread (false) belief that only physical traces and evidence can prove that sexual abuse has taken place. For these reasons, reports are often ignored, rejected and not investigated, even where professionals find “reasonable suspicion” of abuse.

Professionals in charge of providing protection to children and persons who work with children often lack sufficient knowledge of sexual violence against children and tend to view with prejudice and stereotypes what children tell them, especially when the sexually abused and exploited children belong to marginalised groups.

In the Republic of Serbia there is still no planning of preventive systematic measures for the elimination of early, contractual and forced child marriages, which is the phenomenon most appropriate for exploitation and sexual exploitation and abuse of children, although this problem, as well as the problem of juvenile pregnancy in the Roma community has long been recognized (the Roma women get married between the ages of 13 and 27, the pregnancy rate of adolescents among Roma women - from 15 to 19 years of age - is 7 times higher than in the general population[[11]](#footnote-11)). The UN Children's Rights Committee recommended in February 2017 that the state should: “establish a system to monitor all cases involving child marriages among ethnic groups, especially among Roma girls, and to provide shelter for children and appropriate rehabilitation and counseling services, as well as to organize awareness raising campaigns to highlight the harmful effects of child marriages”.[[12]](#footnote-12)

The improvement of the normative framework in protecting children from these harmful practices is lacking. Thus, the Family Law allows the conclusion of a marriage at the age of 16 with the permission of the court. The UN Children's Rights Committee announced in February 2017 that it was “concerned that the Family Law includes exceptions that allow the persons at the age of 16 to get married” and suggested “that the Signatory State should amend its Family Law and remove all exceptions that allow persons under the age of 18 to get married”[[13]](#footnote-13).

Also, the criminal offense of forming an *extramarital union with a minor*, although in its essence implies sexual activity with a child, is not considered within the Criminal Code as a criminal offense against sexual freedom[[14]](#footnote-14), so there is no possibility for the implementation of the Law on Special Measures for Prevention of Execution of Criminal Offenses Against Sexual Freedom Involving Minors*.* In this way, a lower level of protection is foreseen for violating the rights of the child by forming early and forced child marriages, compared to the improved protection prescribed for other forms of offenses of sexual harassment, abuse and exploitation committed against children.

According to the data included in the Strategy for Social Inclusion of Male and Female Roma Population for 2016-2025[[15]](#footnote-15) only 64 percent of children of Roma nationality completes the primary education (with general population it is 93 percent) and only 22 percent of the children of Roma origin attend high school (with general population it is 89 percent). Even 43 percent of girls of Roma nationality at this age terminates schooling in order to get married.[[16]](#footnote-16) Roma women and girls most frequently do not have enough necessary information about birth control and do not participate in deciding on giving birth and family planning. Roma women and girls are rarely in the position to make a completely free decision on reproduction, since their choices are most frequently imposed or limited, by direct or indirect social, economic and cultural factors. Usually, they cannot decide on what they want, and they are expected how to decide on giving birth, number of children and time periods between giving births. Traditional education and understanding that a male is a dominant person in all segments of the family life, even in deciding on the number of children, abortions and contraception, directly conditions the inferior attitude of Roma women and girls to their own health.

According to the data of the Statistical Office of the Republic of Serbia and UNICEF, 38 percent of all women of age 15 to 49 in Roma communities said that they had never used any method in order to avoid or postpone pregnancy, while 31 percent of female Roma population had at least one abortion.

The results of the survey on sexual and reproductive health of Roma women and girls, conducted by the Protector of Citizens in 2016 indicate, inter alia, that even legislative activities in previous years resulted in the improvement of the legal framework for the exercise of the rights of female Roma population to full and quality protection of the reproductive health, the operation of female health care mediators significantly contributed to the increase of the number of Roma women, girls and children who have health insurance and use the services of health protection, female Roma still do not have enough information on the rights in the field of health protection and health insurance and mechanisms of protection of rights and do not use there mechanisms. Apart from that, the results of the survey indicate that Roma women and girls do not have an active role in family planning and do not recognize the need for it; the information of importance for the prevention and protection of reproductive health, including the information on safe contraception methods are not available to female Roma population sufficiently, which contributes to a great number of pregnancy termination with Roma women and girls and a small number of Roma women and girls taking the screening and other preventive examinations and using the services of the counselling clinics; exclusion from education, early schooling termination, marriage at an early age, multiple pregnancies with short time period between them, unavailability of information and financial and other dependence on elder family members and partners are still features of many Roma women and girls; activities on the prevention of the reproductive health of female Roma population and their education on reproductive health are not implemented systemically, but predominantly via projects of civil society organizations; the Ministry of Health does not take activities or plans to regulate the position of female health care mediators in the health care system in a sustainable and permanent manner and adjust their number to needs of citizens of Roma population; in health care institution there is still discrimination of Roma women and girls; there are no developed services of the counselling clinic for young male and female Roma. In accordance with the stated, the Protector of Citizens issued a number of recommendations to the Ministry of Health and authorities of local self-government units which were included in the survey, in order to improve prevention and protection of sexual and reproductive health of Roma women and girls.

According to available data, collected during the mentioned survey of the Protector of Citizens, the time of entering a marriage varies, between 13 and 27 years of age. Even though female Roma most frequently state as the reason for their early marriage the poor material situation, focus groups indicated that better material status of the family does not impact the age of entering a marriage, since it is not rare that Roma girls of better material status also enter a marriage at an early age. The presence of arranged marriages is identified, especially at the south of Serbia and some parts of Vojvodina. There are no arranged marriages in the Belgrade area, but there are marriages of minors. What is also identified is the presence of the virginity cult, which is why the age of entering the first sexual intercourse overlaps with the age of entering a marriage. The age of pregnant women is from 15 to 26. Roma women most frequently give birth at early youth, before the age of 20 and have many childbirths with short time period between pregnancies and many abortions. They are not familiar enough with the manners in which they can protect themselves from undesired pregnancies, and many of them are unfamiliar with contraception. Roma women and girls do not have at their disposal clear, confidential and profession-based information on methods of contraception and many pieces of information (often even untrue) are obtained by transferring the stories about the experiences of women with contraceptive method. Many of them believe that the best method of contraception is “the natural manner” and the choice of women to a great (sometimes the greatest) extent is conditioned by the decision of the partner and family. Furthermore, religious reasons are one of the factors which contribute to the insignificant use of contraceptive methods with female Roma, and there are situations in which the husband does not allow the use of contraception, which is especially prominent with older male and female Roma population displaced from Kosovo. Young Roma population, unlike the older generation, are more interested and open and obtain information themselves, via the Internet. The abortion is considered a form of contraception, and the number of abortions goes from one to 40. Roma women and girls most frequently do not have abortion before the first childbirth, but after they give birth to the planned (expected) number of children, so after that they terminate the following pregnancies by abortion. It is noticed that with time there has been some progress made so now female Roma have the abortion less frequently. The availability of information about contraceptive methods via Internet contributed to the contraception being more talked about by young male and female Roma, to their better knowledge about reproductive health. Roma women and girls mostly do not visit counselling clinics for contraception, because most often they do not know about it, and those who are familiar with the existence of the counselling clinic often do not use this service, because they do not consider it needed and because they *“do not decide about that, the husband does”*. Roma women and girls do not believe that they should have an active role in solving of the issue of contraception and choice of contraceptive method. Roma women and girls, due to poor life conditions, violence and other reasons are more susceptible to depression and melancholy, while the health care system detects also depressions with suicidal ideas. The awareness of Roma women and girls on the importance of preventive and curative health protection and education is still not raised enough, which is of importance for the level of use of health protection services in all fields of health, including sexual and reproductive. With many female Roma there is the belief about the detrimental effect of individual contraceptive methods, “more detrimental than abortion” (e.g. contraceptive pills or spirals). Most commonly, these attitudes emerge as a result of the transfer of one or sporadic bad experiences and without sufficient information by the health care system. The Ministry of Health plans to take part in the execution of the educational program and in partnership with the Ministry of Education, Science and Technological Development to develop the curriculum of health education for primary and high school education.

Sexual education is not introduced into the national curriculum. Even though in 2016 the educational package on sexual education was executed, it did not enter the curriculum, due to the public reaction precisely with regards to the content of the educational package whose topic was the manner in which children may recognize sexual violence against them, as well as with regards to the content referring to LGBTI population. The Ministry of Education withdrew the educational package and until now there was no educational program of the sexual education executed and this education has not been included in the formal education.

**The operation of the Protector of Citizens in this field:**

1. **Investigations:**

In the period 2008-2019, Protector of Citizens (hereinafter: PoC) received 3.600 complaints regarding rights of the child and issued about 1.100 recommendations. Compliance with the PoC recommendations is over 80%. PoC recommendations have led to or have contributed to significant changes in the implementation and protection of children’s rights in different areas, including the protection of children from sexual violence.

1. **Legal initiatives and opinions for the improvement of the legal framework**

In the period 2008-2019, PoC issued tens of initiatives for amendments or adoption of legal acts, aiming to the improvement of the implementation of the rights of the child. PoC initiatives and opinions led to or contributed to significant changes in the legal framework for the implementation and protection of children from sexual violence, for example:

* + According to the PoC initiatives for the amendments of the Criminal Code, issued in 2011 and 2012[[17]](#footnote-17), new Law on Special Measures for the Prevention of Crime against Sexual Freedom Involving Minors has been adopted and Criminal Code has been improved;
  + According to the PoC opinion issued in 2012[[18]](#footnote-18), Special protocols for the protection of women from violence have been adopted. Protocols have significant provisions on the protection of children from violence;
  + According to the PoC opinions issued in several occasions,[[19]](#footnote-19) The Law on Fundamentals of Education System has been improved, which led to strengthening the principle of inclusive education and protection from violence.

1. **Participation in international bodies and organizations**
   * **European Network of Ombudpersons for Children[[20]](#footnote-20):**
   * PoC has been a full member of European Network of Ombudpersons for Children (ENOC) since 2009.
   * **Network of Ombudspersons for Children in South East Europe (CRONSEE):**
   * PoC is one of the founders of the Network of Ombudspersons for Children in South East Europe(CRONSEE).
   * **Council of Europe (CoE):**
   * In 2010, Assistant Secretary General for the Rights of the Child, Gender Equality and Rights of Persons with Disabilities participated in the work of CoE Expert Group for drafting the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice;
   * In 2011, Assistant Secretary General for the Rights of the Child, Gender Equality and Rights of Persons with Disabilities participated in the work of CoE Expert Group for drafting the Recommendations on Legal Status of Children and Parental Responsibilities;
   * **UN Committee for the Rights of the Child**

* PoC submitted two alternative reports to the Committee on the Rights of the Child in the process of consideration of the implementation of the Convention on the Rights of the Child and Optional Protocols in Serbia (2010, 2017);
* Deputy Ombudsman for the Rights of the Child and Assistant Secretary General for the Rights of the Child, Gender Equality and Rights of Persons with Disabilities participated in private sessions with the members of the Committee on the Rights of the Child (2010, 2017).
  + **Other UN treaty bodies**
* PoC submitted alternative reports to the Human Rights Committee, Committee on the Rights of Persons with Disabilities and Committee on Economic, Social and Cultural Rights, which reports contained information on the implementation of children’s rights.

1. **Participation of children in the PoC work**

In 2010, the Protector of Citizens formed the Panel of Young Advisors as an advisory body of the Protector of Citizens, which includes thirty children, aged 13-17 from across Serbia, selected according to the principles of territorial representation, gender equality, equal representation of primary and secondary school children and inclusion of children from vulnerable social groups. In 2011, a peer survey on violence, which included peer interviews with over 1.300 children – students of elementary and secondary schools. Based on the survey results, PoC issued Special report on school violence [[21]](#footnote-21). The Panel participated in the global project (GlobalChild) for the development of indicators for monitoring the implementation of the Convention on the Rights of the Child, in 2018 and 2019[[22]](#footnote-22).

1. **PoC Publications:**
   * PoC issued the following publications, including the publication „Protection of Children from Sexual Exploitation and Sexual Abuse“ [[23]](#footnote-23) and „Protection of Children from Violence, Abuse and Neglect“ [[24]](#footnote-24), 2016.
   * In cooperation with Council of Europe, PoC is in the process of granting of the right to translate and publish the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice.
2. **PoC researches and special reports**

* In 2011, with the Panel of Young Advisors, PoC issued the Special report on Violence in Schools[[25]](#footnote-25), based on the results of peer survey conducted by the Panel of Young Advisors;
* In 2011, PoC conducted a survey on children in the street situation[[26]](#footnote-26). This was the first research on the causes of the street situation of children and the position of those children, conducted by the public authority;
* In 2015, PoC issued a Special Report on the Implementation of General and Special Protocols on the Protection of Women against Violence with Recommendations. Significant part of the report is dedicated to the position of children victims of violence[[27]](#footnote-27);
* In 2016, PoC issued a Special Report on the Trainings for Acquisition and Improvement of Knowledge and Competencies in the Prevention and Suppression of Domestic and Intimate Partner Violence with Recommendations[[28]](#footnote-28);
* In 2016, PoC conducted survey on sexual and reproductive health of Roma women, with special focus on girls, due to their exposure to early marriages and child and adolescent pregnancies;
* In 2017, PoC issued a Special Report on the Reproductive Health of Roma Women with Recommendations [[29]](#footnote-29), based on the findings of the survey;
* In 2018, PoC issued a Special Report on the Implementation of the Right of the Child in Serbia[[30]](#footnote-30).

1. **Training held by PoC**

* Assistant Secretary General for the Rights of the Child, Gender Equality and Rights of Persons with Disabilities held training on violence against children and inclusive education to education counsellors and education inspectors;
* PoC staff held training on children’s rights to health service providers;
* PoC staff held training on children’s rights to Roma organizations;
* Assistant Secretary General for the Rights of the Child, Gender Equality and Rights of Persons with Disabilities held training on mechanisms of protection from domestic violence and violence against children, to women organizations;
* Assistant Secretary General for the Rights of the Child, Gender Equality and Rights of Persons with Disabilities held training on the role of the health sector in the protection of family violence and violence against children, to health services providers
* Assistant Secretary General for the Rights of the Child, Gender Equality and Rights of Persons with Disabilities held training on protection of children on the move and migrant women from violence, to civil society organizations.

1. **Participation in activities of national public bodies and organizations, international organizations and NGOs, for the promotion of children’s rights**

* Since 2016, PoC has participated in the Working Group for Protection of Migrants and Refugees from Sexual and Gender Based Violence;
* Since 2016, PoC has participated in drafting Standard Operational Procedures for the Prevention and Protection of Migrants and Refugees from Sexual and Gender Based Violence;
* In 2016, PoC supported the first National Study on Sexual Abuse of Children in Serbia
* In 2016, PoC supported the Draft National Strategy on Prevention of Sexual Abuse of Children;
* In 2011, PoC supported the establishment of Network of Organizations for Children in Serbia (MODS)[[31]](#footnote-31);
* In 2014, PoC drafted and presented the Model Law on the Rights of the Child[[32]](#footnote-32);
* Currently, Assistant Secretary General for the Rights of the Child, Gender Equality and Rights of Persons with Disabilities is a member of the National Coalition for Ending Child Marriages in Serbia;

**Conclusion**

Sexual abuse of a child is one of the gravest and most traumatic experiences of children which, by the rule, leaves permanent negative consequences to the child development and marks later life and choices. The data indicate that in 70 percent of cases sexual abuse of children occurs in family. Unlike other forms of violence, abuse and neglect of a child in the family, sexual abuse most frequently remains hidden for a long time, especially when it occurs at an early age. Sexually abused children, apart from the fact that they suffered this form of violence for many years, are exposed to the manipulations of a close person -abuser, due to which they were unable to talk about their experience and ask for protection and help. Children victims who asked for help (usually close family members), often faced distrust and negation, criticism and warning not to talk about that. Only few cases reached competent authorities and obtained their outcome in long-term court and other (professional) proceedings during which they did not get even closely adequate protection, but, on the contrary, were exposed to additional traumas of repeated presentation of the traumatic experience, without adequate preparation and support. It is not rare that this painful path of the child victim of sexual abuse in the family ended in the absence of sanctions or mild sanctions for the abuser, and almost as a rule, absence of corresponding services of rehabilitation with the aim of the removal and/or reduction of the consequences of the suffered trauma.

The existing system of the protection of a child against sexual abuse in the Republic of Serbia does not have at its disposal adequate mechanisms of prevention of sexual abuse and protection of a child in case of sexual abuse regardless of the place where it occurs. Sexual abuse is not reported always when there is a “reasonable doubt”[[33]](#footnote-33) that the child is exposed to sexual abuse, due to the presence of the (wrong) attitude and belief that only material traces and evidence may confirm sexual abuse. For the same reasons it occurs that the pressed charges are ignored, rejected or non-processed even when there is a “reasonable doubt” of a professional on the existence of the abuse. Professionals who act in the protection of children and persons who work with children frequently do not have sufficient knowledge on sexual violence against children, its presence, specific features of the position of the child victim, recognition of sexual violence and manifestations of sexual violence and measures of protection. Their actions are sometimes burdened by prejudice and stereotypes in relation to what children say, especially in the cases of sexual abuse and exploitation of children from marginalized groups, when there are especially prominent prejudice on “tradition”, “culture”, “habits” and “behavioral patterns” – which has an especially negative impact on the correct estimation and quality of services and measures which are taken with the aim of the protection of a child. The final outcome is (sometimes long-term) ignoring of the child suffering, neglect of professional opinions which indicate sexual abuse, absence of measures of protection and measures aimed at the recovery of the child, even maintaining sexual violence against the child, by which competent authorities, instead of the protection provider, become institutionalized child abusers.

In cases of sexual abuse and sexual exploitation of a child, the attention of experts and public is predominantly paid to sanctioning of the abuser. Protection and rehabilitation of the child victim is in the shadow of the general request for justice and righteous punishment. Secondary and multiple traumatization and victimization of the child, however, not only significantly reduces the chances for the child’s complete recovery from the experienced trauma, but it also represents the trauma per se – this time performed by the system which is supposed to protect the child. Therefore, the protection from additional traumatization and victimization of the child is the integral part of the process of protection against sexual abuse and sexual exploitation , without which full protection cannot be accomplished.

The manner in which police, guardianship authority, judiciary authorities (prosecutor’s offices and courts), bodies in charge of the control of the enforcement of the law which regulates the operation of the media take measures from their competence decide whether the child will suffer from the secondary traumatization or even institutional abuse. The normative framework of the Republic of Serbia contains some (even though insufficient) protective provisions, but their implementation is rare. Hearing of the child outside the court premises, use of contemporary means of communication and special premises designed for taking statements from the child victim are more an exception than rule, while hearing before competent authorities as a rule is done multiple times. Professional preparation of the child for court proceedings is missing, the child is not provided with the support services before, during and after the proceedings and the case of sexual abuse is frequently publicly presented via media which on these occasions do not provide the protection of the child’s identity, integrity and dignity, with the lack of the reaction of the authorities in charge of the control of the application of regulations in the sphere of public information and media.

1. Article 283 of the Criminal Procedure Code (Official Gazette of RS No. 72/11, 101/11, 121/12, 32/13, 45/13 and 55/14). [↑](#footnote-ref-1)
2. The criminal offence of incest is provided for in Article 197, civil union with an underage person is provided for in Article 190, while criminal offences against sexual freedom are covered by Articles 178-186 of the Criminal Code. [↑](#footnote-ref-2)
3. Article 3 of the Law on Special Measures to Prevent Criminal Offences against Sexual Freedom of Minors. [↑](#footnote-ref-3)
4. Official Gazette of RS No. 85/05 [↑](#footnote-ref-4)
5. Article 152 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles [↑](#footnote-ref-5)
6. Article 153 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles [↑](#footnote-ref-6)
7. Article 152 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles [↑](#footnote-ref-7)
8. *How to attain Child-friendly Justice: Protection of Child Victims in Criminal Proceedings and Situation in Practice in the Republic of Serbia*, Centre for the Rights of the Child, 2015. [↑](#footnote-ref-8)
9. The Protector of Citizens issued an opinion to courts in Belgrade, Krusevac, Nis and Novi Sad after finding that only three of all courts in those cities that have designated rooms equipped and adapted for taking statements from children have made use of this option. [↑](#footnote-ref-9)
10. Article 12 of Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. [↑](#footnote-ref-10)
11. Research on multiple indicators of the position of women and children, Serbia MICS 2014, UNICEF in Serbia, available at: <https://www.unicef.org/ceecis/MICS_5_-_Key_Findings.pdf>. [↑](#footnote-ref-11)
12. Concluding observations of the UN Children's Rights Committee on the combined Second and Third Periodic Reports of the Republic of Serbia - from the Office for Human and Minority Rights website. [↑](#footnote-ref-12)
13. Concluding observations of the UN Children's Rights Committee, in connection with the Second and Third Periodic Reports of the Republic of Serbia on the application of the Convention on the Rights of the Child, CRC/C/SR. 2193, February 2017, from the Office for Human and Minority Rights website. [↑](#footnote-ref-13)
14. The criminal offense of forming an extramarital union with a minor is prescribed in Article 190, and criminal offenses against sexual freedom include provisions of Articles 178-186 of the Criminal Code. [↑](#footnote-ref-14)
15. Доступно на: <http://www.minrzs.gov.rs/lat/dokumenti/medjunarodna-saradnja/strategija-za-socijalno-uklju%C4%8Divanje-roma-i-romkinja-u-republici-srbiji-za-period-od-2016-do-2025-godine> [↑](#footnote-ref-15)
16. *Исто*, стр. 20. [↑](#footnote-ref-16)
17. <https://www.pravadeteta.com/index.php?option=com_content&view=article&id=186:2012-05-20-21-48-39&catid=42:2012-04-09-13-00-07&Itemid=87> [↑](#footnote-ref-17)
18. <https://www.ombudsman.rs/index.php/2012-02-07-14-03-33/2644-m-26442644> [↑](#footnote-ref-18)
19. For example: <https://www.pravadeteta.com/index.php?option=com_content&view=article&id=749:2016-02-23-13-00-34&catid=41:2012-04-09-12-59-57&Itemid=86>

    <https://www.pravadeteta.com/index.php?option=com_content&view=article&id=540:2013-05-14-07-50-59&catid=42:2012-04-09-13-00-07&Itemid=87> [↑](#footnote-ref-19)
20. <http://enoc.eu/?page_id=184> [↑](#footnote-ref-20)
21. <https://www.pravadeteta.com/index.php?option=com_content&view=article&id=204:q-q-10893684&catid=43:2012-04-09-13-00-20&Itemid=88> [↑](#footnote-ref-21)
22. <https://www.pravadeteta.com/index.php?option=com_content&view=article&id=854:%D0%B7%D0%B0%D1%88%D1%82%D0%B8%D1%82%D0%BD%D0%B8%D0%BA-%D0%B3%D1%80%D0%B0%D1%92%D0%B0%D0%BD%D0%B0-%D1%83%D1%87%D0%B5%D1%81%D1%82%D0%B2%D1%83%D1%98%D0%B5-%D1%83-%D0%BF%D1%80%D0%BE%D1%98%D0%B5%D0%BA%D1%82%D1%83-%D0%B3%D0%BB%D0%BE%D0%B1%D0%B0%D0%BB%D0%BD%D0%B8-%D0%B4%D0%B8%D1%98%D0%B0%D0%BB%D0%BE%D0%B3-%D0%B7%D0%B0-%D0%BF%D1%80%D0%B0%D0%B2%D0%B0-%D0%B4%D0%B5%D1%82%D0%B5%D1%82%D0%B0&catid=55:aktivnosti&Itemid=89> [↑](#footnote-ref-22)
23. <http://www.pravadeteta.com/attachments/394_publikacija%20Lanzarot%20pdf.pdf> [↑](#footnote-ref-23)
24. <https://www.pravadeteta.com/attachments/394_Zastita%20dece%20-%20za%20WEB.pdf> [↑](#footnote-ref-24)
25. <https://www.pravadeteta.com/index.php?option=com_content&view=article&id=204:q-q-10893684&catid=43:2012-04-09-13-00-20&Itemid=88> [↑](#footnote-ref-25)
26. <https://www.pravadeteta.com/index.php?option=com_content&view=article&id=126:2012-05-15-20-06-46&catid=38:2012-04-09-12-59-17&Itemid=154> [↑](#footnote-ref-26)
27. <https://www.rodnaravnopravnost.rs/index.php?option=com_content&view=article&id=138:2015-02-24-15-03-31&catid=17:2012-12-13-09-53-59&Itemid=30> [↑](#footnote-ref-27)
28. <https://www.rodnaravnopravnost.rs/attachments/article/230/Poseban%20izvestaj%20Zastitnika%20gradana%20%D0%BE%20obukama.pdf> [↑](#footnote-ref-28)
29. <https://www.rodnaravnopravnost.rs/index.php?option=com_content&view=article&id=276:%D0%BF%D0%BE%D1%81%D0%B5%D0%B1%D0%B0%D0%BD-%D0%B8%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98-%D0%B7%D0%B0%D1%88%D1%82%D0%B8%D1%82%D0%BD%D0%B8%D0%BA%D0%B0-%D0%B3%D1%80%D0%B0%D1%92%D0%B0%D0%BD%D0%B0-%D0%BE-%D1%80%D0%B5%D0%BF%D1%80%D0%BE%D0%B4%D1%83%D0%BA%D1%82%D0%B8%D0%B2%D0%BD%D0%BE%D0%BC-%D0%B7%D0%B4%D1%80%D0%B0%D0%B2%D1%99%D1%83-%D1%80%D0%BE%D0%BC%D0%BA%D0%B8%D1%9A%D0%B0-%D1%81%D0%B0-%D0%BF%D1%80%D0%B5%D0%BF%D0%BE%D1%80%D1%83%D0%BA%D0%B0%D0%BC%D0%B0&catid=17:2012-12-13-09-53-59&Itemid=30> [↑](#footnote-ref-29)
30. <https://www.ombudsman.rs/index.php/izvestaji/posebnii-izvestaji/5949-p-s-b-n-izv-sh-z-sh-i-ni-gr-d-n-s-nju-pr-v-d> [↑](#footnote-ref-30)
31. <https://www.pravadeteta.com/index.php?option=com_content&view=article&id=113:2012-05-14-21-40-21&catid=38:2012-04-09-12-59-17&Itemid=154> [↑](#footnote-ref-31)
32. <https://www.pravadeteta.com/index.php?option=com_content&view=article&id=75:2012-05-13-20-10-47&catid=38:2012-04-09-12-59-17&Itemid=154> [↑](#footnote-ref-32)
33. Article 12 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse [↑](#footnote-ref-33)