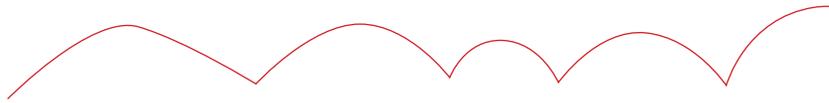


Children on the Move

Status and programmes of
support and protection of children
on the move in the Republic of Serbia

Children on the Move

Status and programmes of support and protection of children on the move in the Republic of Serbia



CIP – Cataloguing in Publication
National Library of Serbia, Belgrade

342.726-053.2-054.7(497.11)

364-7-053.2-054.7(497.11)

CHILDREN on the move: status and programmes of support and protection of children on the move in the Republic of Serbia / [Aleksandra Galonja ... et al.]. - Belgrade: Citizens' Association for Combat against Trafficking in Human Beings and all Forms of Violence against Women – Atina, 2013 (Belgrade : Standard 2). - pgs 248 : graph illustrations, tables; 22 cm

Number of copies 500. – Bibliographies and notes along with the text. - Bibliography: pages

ISBN 978-86-911817-1-0

1. Galonja Aleksandra, 1975- [author] a)

Migrant Children – Protection – Serbia

COBISS.SR-ID 197099788



Children on the move

Status and programmes of support and protection of children on the move in the Republic of Serbia

Publisher:

Citizens' Association for Combat against Trafficking in Human Beings and all Forms of Violence against Women
Belgrade, 28 Čustendilska Street
www.atina.org.rs office@atina.org.rs
+381 11 32 200 30

Editor

Marijana Savić

Authors

Aleksandra Galonja Tijana Morača
Maša Avramović
Tommaso Diegoli

Language Editor/Corrections

Milan Aleksić

Design

Škart

(charts in the book are inspired by Isotype System)

Printed by

Standard 2

Number of copies

500

Belgrade, 2013

All rights reserved. The content of this publication may freely be used or copied for the non-commercial purposes with the obligation to state the sources.

This publication was produced with the help of the European Union, Save the Children and the Open Society Fund, Serbia. The content of this publication is the sole responsibility of the author and does not necessarily reflect the views of the European Union, Save the Children or Open Society Fund, Serbia



This project was funded by the European Union.



1) INTRODUCTION 7

2) RESEARCH METHODOLOGY

- Subject and the goal of the research 11
- Research method 13
- Research sample 16
- Research process 22
- Ethical issues, protection of children and data confidentiality 25
- Research limitations 27

3) INTERNATIONAL AND NATIONAL FRAMEWORKS FOR THE PROTECTION OF CHILDREN ON THE MOVE

- International context 29**
 - United Nations System 33
 - Instruments of the Council of Europe and the European Union 38
- Children on the move in Serbia – legislative and strategic framework 44**
 - Legislative framework 45
 - Strategic documents, action plans and protocols 55

4) CHALLENGES OF EXERCISING THE RIGHTS FROM THE PERSPECTIVE OF CHILDREN ON THE MOVE

- The right to non-discrimination 61**
- The right to the best interests of the child 63**
- The right to life, survival and development 65**
- The right to participation 67**

5) PHENOMENON OF CHILDREN ON THE MOVE

Children on the move in Serbia – the term and dimensions of the phenomenon

Term 71

Dimensions of the phenomenon 75

Causes of migration, characteristics of children on the move and specific risks 89

6) CHILDREN ON THE MOVE SPEAK 100

PROGRAMMES FOR PROTECTION OF CHILDREN ON THE MOVE

Social welfare 177

Accommodation and ensuring basic needs 184

Inclusion in the educational system 198

Health care 202

Criminal-justice protection and protection against violence 204

Other activities of child protection 207

8) CASE STUDIES 215

9) CONCLUSIONS AND RECOMMENDATIONS 237

10) SOURCES 242

1. INTRODUCTION

This publication is produced within the project of *Social Protection Reform of the World Fit for Children* initiated by the international organisation Save the Children in 2012 in cooperation with the national organisations of civil society, NGO Atina and Group 484, funded by the European Commission, Open Society Fund in Serbia and Save the Children Norway.

The initiative for the implementation of the project was motivated by the intention to enable children on the move in the Republic of Serbia have access to appropriate services of social protection system based on the rights of the child, and the first step in achieving this goal was the establishment of the characteristics of children on the move in the Republic of Serbia, international standards in this field and adequacy and adaptability assessment of the existing protection system to the dynamic phenomenon of transnational dimensions. The analysis shall serve the purpose of the starting point for the improvement of the protection system and services fit for the child, bearing in mind the specificity and complexity of position of children on the move in Serbia.

The term “children on the move” although new, implies the well-known phenomena of migrating children who are exposed to various risks during these migrations. These are “children that for various reasons, willingly or forcefully, within the country or across countries, with or without parents or guardians migrate, and who are exposed to risks of inadequate care, economic and sexual exploitation, negligence and violence while on the move”. The definition “Save the Children” also implies the groups of children on the move: refugees, internally displaced children, asylum seekers, irregular migrants, victims of human trafficking, children involved in the street life and/or working in the streets, returnees under the readmission process.

Although children of all groups of children on the move are exposed to various risks and are vulnerable, they are not treated in the same manner by the system of protection in Serbia, or are recognised by the practitioners, experts and decision makers as a special group. It is the lack of knowledge and documented experience on this group of children and disharmony in the practice pertaining to them, that were the reason for the research that represents the first attempt to operationalize the term “children on the move” and contextualise this phenomenon in Serbia.

In this regard, we see this publication as the first step and orientation for future researches in this field and further development of methodological frameworks for work with children on the move in Serbia. The research is intended for practitioners and professionals from different systems engaged in the field of protection of children, organisations of civil society but also for the public policy makers. The need for multi-sectoral and inter-resort cooperation in the process of protection of children supports the idea that the significance of researches can also be recognised by professionals engaged in other spheres of social protection, specific programmes of social inclusion and in the field of systematic inter-sectoral cooperation.

Research activities have been performed by a team of four, with the assistance of the associates Aleksandra Nikolić, Aleksandra Stamenković, Nina Stamenković and Miroslava Jelačić in the period from September to the end of December 2012. Tijana Morač was engaged in the coordination of all research activities and analysis of international and national legislation and strategic framework and preparation of review of this analysis in the first two chapters of the publication which include the description of the research methodology and normative and regulatory framework. Aleksandra Galonja performed the activities of research with professionals engaged in the field of child protection in the Republic of Serbia and the analysis of secondary data and she presented the findings in chapters describing the phenomenon of children on the move and available programmes in Serbia. Maša Avramović did the research with children and transmitted children's perspective entirely in the publication, in chapters that describe challenges in exercising the rights from the children's perspective and they authentically depict experiences of children on the move. Besides, the segments of research with children are included in the parts of the publication covering the phenomenon of and programmes intended for children on the move. Tommaso Diegoli made five studies which are included in the publication. Joint work on the analysis of the research results enabled the formulation of the recommendations targeting improvement of the system for protection of and helping children on the move in the Republic of Serbia.

Since knowledge and experiences in the work with different groups of children in Serbia within frameworks of institution but also in the civil sector, are developed and comprehensive, the goal of research was to offer one more manner of consideration

and linking of different policies – migration, policy of social protection, policy of human (and primarily child) rights protection and social inclusion – this time from the point of view of the child. This would not have been possible without the efforts made by the Project Team associates – Nevena Milutinović and Gordan Velev and the Advisory Board – Mitar Đurašković, Milena Banović, Svjetlana Oklobdžija, Dijana Malbaša, Nevenka Žegarac, PhD, Ljubimka Mitrović, Andrea Žeravčić and Stevan Popović, and without the assistance of Ahmed Pjano from the Sarajevo team of Save the Children, who considerably contributed to new understanding of the situation in the Republic of Serbia.

We would also like to thank the representatives of the Asylum Protection Centre, Centre for Youth Integration, Group 484 and the School for Adult Education “Branko Perišić” for their highly valued assistance in the organisation and implementation of the research activities with children and professionals from other institutions of civil society, who helped us with their points of view to better understand the difficulties we face on the path of the establishment of a sustainable system of protection of children on the move and with their enthusiasm and commitment – to understand once again the significance of cooperation and mutual support in removing the obstacles on this path.

*

We owe special gratitude to children who participated in the research and who gladly shared with us their experiences, needs and hopes but also their understanding of the system of protection, including its good sides and disadvantages. It is them primarily whom we owe to improve the status of all children on the move by strengthening cooperation, future joint analysis and efforts we make to improve the work of any of our institutions and organisations, thus guaranteeing in the future the respect of their rights and equal chances for everybody.

NGO ATINA and the team of authors

2. RESEARCH METHODOLOGY

Subject and the goal of research

The subject of the research is the current policy for and practice in the protection of children on the move in Serbia who, for various reasons, willingly or forcefully within the country or between countries, with or without parents or guardians migrate and are possibly exposed to risks of inadequate care, economic or sexual exploitation, abuse and neglect and violence due to the migrations.¹

The term children on the move includes different categories of children, such as refugee children, internally displaced children due to natural disasters or armed conflicts, children asylum seekers, migrant children in search of better living conditions, irregular migrants, children victims of human trafficking, children included in the life and work on the streets, returnees children under the readmission process.

The goal of the research is to get an insight into and ensure better understanding of the phenomenon of children on the move in the Republic of Serbia, identification of the existing services and practices as well as formulating recommendations for improvement of the social welfare system in order to adequately meet the increasing need to provide the support to children on the move and to secure exercising of the rights of the children.

Specific research goals are formulated in the following manner:

1. Making analysis of international policies and standards as well as national, normative and strategic frameworks for the protection of children on the move;
2. Better understanding of the phenomena of children on the move in Serbia, its dimensions and characteristics of child migrations, including causes of migrations as well as specific risks these children are exposed to;
3. Getting an insight into the manner in which children on the move assess the level of exercising the rights of the child in the contexts of migrations;

¹ According to the definition of *Save the Children*

4. Getting an insight into the existing programmes, services and roles of professionals included into the system of protection of children on the move;

5. Formulating recommendations for improvement of the child protection system for children on the move. The key topics of research are defined in relation to the goals and include the following: international standards for the protection of children on the move; national and normative framework for the protection and support of children on the move; characteristics of the phenomenon of children on the move – results of secondary research, opinions of professionals and children that are in the migration process; children's opinion on exercising the rights of the child in the Republic of Serbia and the existing programmes of support and protection. With regards to the set goals and defined topics, the next **research questions** have been singled out:

- What are the existing international standards and instruments for the protection of children on the move?

- What is the existing national, normative framework for the protection of children on the move?

- What is the perspective of children on the move in terms of exercising the rights of the child?

- How professionals who work in the fields relevant for the protection of children on the move (professionals who work directly with children as well as those who participate in the process of policy creation and decision making) understand and assess the phenomenon of children on the move?

- How was the phenomenon of children on the move manifested in the period 2008 – 2011 in the Republic of Serbia?

- What is the perspective of children in terms of migrations, what are the experiences of children on the move, why they leave their place of residence and how their travel looks like, what are the risks they are exposed to during the travel?

- What programmes and services are available for children on the move in the Republic of Serbia: what are the mandates and programmes of different service providers, what are the existing cooperation mechanisms between different actors who participate in the protection of children on the move: what are the internal rules of treatment, practice and procedures of different service providers and what are the existing obstacles for the quality protection of children on the move?

- What are opinions of children on the move in terms of support, programmes and services they need?

Research methodology

Goals and the topic of the research required qualitative methodology, for the purpose of comprehensive understanding of the meaning and different aspects of phenomena of children on the move as well as the quality that is disadvantages of the existing programmes and practices intended for children on the move in the Republic of Serbia. For this purpose, different information and data gathering techniques have been used:

- Analysis of primary and secondary sources – international policies and instruments, reports of state organs, legislative documents and public policies that concern with the children on the move;
- Semi-structured detailed interviews and focus groups interviews with the representatives of the state institutions and organisations of civil society, both with professionals directly engaged in working with children, and with those who deal with creation of policies and decision making in the field of protection of children on the move;
- Focus group and half-structured interviews with children from the most representative category of children on the move in Serbia: children who seek asylum; children returned upon the procedure of readmission, children that migrate within the borders of Serbia, children victims of human trafficking.

In order to complete the research results, five additional studies were made to illustrate specific situations in which children on the move find themselves in the Republic of Serbia and which could not be obtained by applying the existing methodological techniques. The case studies recorded both good practice examples and defects of the system and significantly added to a more detailed overview of disadvantages of the existing system and possible manners for overcoming these obstacles.

The nature of the obtained results provided a complete analysis of the existing policies and practices that included a great number of statements and personal opinions of the interviewees, both professionals and children that participated in the research.

The analysis of primary and secondary data included the analysis of international standards that pertain to the protection of children generally but also to certain groups of children on the move. Protection systems of the United Nations (UN), have been presented as well as regional systems – Council of Europe and the European Union (EU). Since children on the move include various subgroups of children, standards that may deal with the protection of many subgroups of children on the move have been analyzed – such as children on the move without accompanying adults. The rights of the child and standards of child protection have their places in the process of European Union (EU) accession, and on the other hand, the EU is the destination for a great number of children that are trying to leave from Serbia to a member state, that is, they are being returned from there. For these reasons, a special attention was paid to the standards of the protection of children in the internal and external policy of the Union.

Overview of the national legislation and strategic framework was provided by the identification of framework that includes the greatest number of children on the move, that is, the most relevant number with regards to the certain groups of children. In this way, the most general acts have been included and they define values of the system of child protection, laws that are specifically relevant for the field of protection of children on the move and exercising rights (from the field of social and health protection, education, etc) laws that regulate the field of migration policy; and laws that regulate criminal and justice protection of minors, significant for the field of protection of specific groups of children on the move (victims of violence and exploitation).

In this segment of research, full attention was paid to data gathered by various institutions and organisations over the years and published in the form of annual or multi-annual reports, studies, brochures and similar, or that was available in different manners. These are the reports of international organisations (UNICEF, UNCHR, IOM, etc) related to relevant trends – international and internal migrations, human trafficking, child labour etc. also data of national, authorised services and institutions (Republic Institute for Social Protection, Centre for Social Works, social protection institutions, Readmission Offices, Commissariat for Refugees and Migrations, Office for Human and Minority Rights, Shelters etc) as well as reports and studies of local and international organisations that have a direct con-

tact with the children on the move and/or participate in the creation of policies for them (Save the Children, Atina, Belgrade Centre for Human Rights, Group 484, Praxis, Centre for the Rights of the Child, Centre for Youth Integration, Asylum Protection Centre etc.)

Semi-structured detailed and focus group interviews with representatives of state institutions and civil society organisations included interviewees engaged in a direct work with children on the move but also in the process of creating policies and making decisions in this field. The goal of the interviews was to analyse experiences, understanding and opinions of professionals on the subject that was analysed. Focus group interviews enabled basic insights on the phenomenon of children on the move and support system for the protection of children on the move in the Republic of Serbia, whereas detailed interviews gave a full insight in the experiences and deeper understanding of position of professionals who work in the field of protection of children on the move. In order to understand possible trends, and bearing in mind reform processes and changes of law and institutionalised framework, the research encompassed a period from 2008 to 2011.

Focus group and semi-structured interviews with children on the move represent a significant research segment that enables a more detailed understanding of the phenomenon of children on the move, dimensions and characteristics of the migration process from children's perspective as well as opinions and experiences of children in terms of the existing support programmes and challenges they face with in exercising their rights. This kind of approach gives an additional value to the research because it leaves an empty space for children to express their personal experiences, their own understanding of the problems related to the protection of children on the move but also to propose possible solutions, by which children's perspective becomes available to professionals working with children as well as decision makers.

When talking about research with children, an additional attention was given to protection of children and their personal data, as well as ensuring their ethical and meaningful participation on which more will be said in the segment dealing with the research process.

Research sample

Focus group interviews with professionals

There were totally 3 focus group interviews with 20 interviewees from the group of professionals in the sphere of providing direct assistance for the children on the move, that is for specific subgroups of children on the move and policy creation in this field including professionals of: Civil Society Organisation, Centre for Social Works, Institute for Social Protection, offices and other institutions of the Government of the Republic of Serbia, ministries and international organisations.

The sample had 17 women and 3 men from the entire territory of Serbia. Although efforts have been made to achieve a gender balance, bearing in mind that women make about 80% of employees in the Centre for Social Works and social protection institutions, gender relation of the interviewees matches the number of representatives of both genders in the system. The experience of the interviewees in providing various types of support to various groups of children on the move, influenced sample creation, as well as sphere of policy creation. In the tables presented below, there is an overview of sample structure in relation to the organisations/institutions of the interviewees, their field of work and specific target subgroup of children on the move.

Table 1:
Sample structure
by organisations

ORGANISATIONS/INSTITUTIONS	FREQUENCY
Centres for Social Work	2
Social protection	3
Social welfare institution(s)	2
Governmental offices and institut.	2
Ministries	4
Civil society organisations	5
International organisations	2
TOTAL	20

Table 2:
Sample structure in relation to the field of work

ORGANISATIONS/INSTITUTIONS	FREQUENCY
Providing direct assistance	7
Monitoring of work and reporting	6
Making policies	7
TOTAL	20

Table 3:
Sample structure in relation to the subgroup of children on the move with which work is usually done

ORGANISATIONS/INSTITUTIONS	FREQUENCY
Children asylum seekers	2
Children refugees and displaced pers.	1
Returnee children under readmission proc.	1
Children who live and work on the streets	2
Children victims of human trafficking	2
All listed groups of children	12
TOTAL	20

In-depth interviews with professionals

The total of ten in-depth interviews have been implemented with professionals mostly engaged in the spheres of strategic planning and creation of policies. The purpose of detailed interviews was to get a general insight into the state of rights of the children on the move and system's capacity to recognize and adequately overcome obstacles toward a successful, systematic and sustainable protection of children on the move. In the table below, there is a sample structure in relation to the organisations/institutions of the interviewees.

Table 4:
Sample structure in relation to the organisations/institutions

ORGANISATIONS/INSTITUTIONS	FREQUENCY
Center for the protection of victims of human trafficking	1
Ministry of Labour, Employment and Social Policy	1
Ministry of Internal Affairs	2
Commissariat for refugees and migrations	1
Civil society organisations	5
TOTAL	10

All interviewees had experience and knowledge on the status of all subgroups of children on the move, although competences of some of them are related to certain subgroups.

Focus groups and half-structured interviews with children on the move

The total of forty-two children participated in the research, 26 girls and 16 boys, age 10 to 18. The greatest number of children was between 13 and 16 years of age, in which there should be a note that it was not always possible to get the information on the age of the child, especially with children asylum seekers because the exact data was sometimes not obtained even by professional working directly with children.

The sample was formed in a manner to include the most common groups of children on the move in Serbia, during which, in accordance with the research subject, due care was taken that all children be the beneficiaries of the social protection system or services that provide non-governmental organisations. Also we tried to include children who were in different phases of the migration process and the sample therefore included the following:

- Immigrant children and children asylum seekers in Serbia;
- Children that have been returned to Serbia from the countries of the Western Europe during the readmission process;
- Children included in life and work on the street who migrated from the central Serbia to Belgrade
- Childen victims of human trafficking

When talking about migrating children and children asylum seekers, twenty four children participated in the research, 17 girls and 7 boys, out of which twenty originated from Afghanistan and four from Somalia. Twenty one children resided in Serbia with their families. Two boys who participated in the research of migrants without accompanying adults, whereas one girl waited to be reunited with her family that separated from her during the travel. Children resided in the Asylum Accommodation Centre in Bogovada, except for the aforementioned girl that had been accommodated in the safe house of Novi Sad.

When talking about children who have been returned to Serbia from the Western Europe countries in the readmission process, 7 girls and 5 boys participated in the research. All of these children live with their families, out of which two families (that is four children) have been accommodated in a non-formal collective centre of Resnik, just outside Belgrade.

The total of five children participated in the research, four boys and one girl, that migrated with their families from the central Serbia to Belgrade. These are children of Roma origin who work in the street and live with their families in non-formal settlements.

The research also included a girl, victim of human trafficking, who was included in the support programme of the non-governmental organisation Atina.

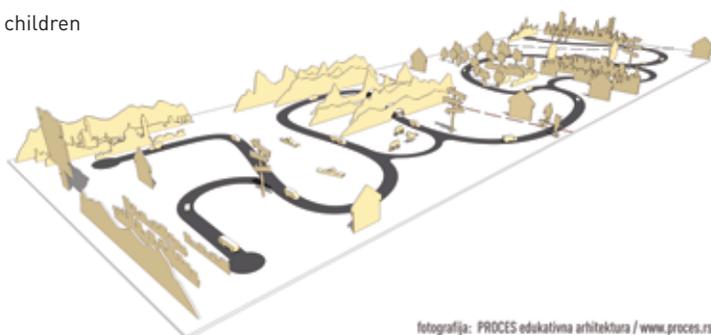
The overview of sample structure in terms of subgroups and gender of children:

Table 5:
Sample structure by gender

SUBGROUPS OF CHILDREN	Number of girls	Number of boys	Total number of children
Migrant children	17	7	24
Children in the readmission process	7	5	12
Children included in life and/or work on streets	1	4	5
Children victims of human trafficking	1	0	1
UKUPNO	26	16	42

The total of 13 focus groups have been realised within the research framework, in which three to eight children participated. Five focus groups with children migrants have been organised in the Accommodation Asylum Centre in Begovađa and an interpreter was engaged also in addition to researchers; one focus group was organized with children from readmission in schools for adult education Branko Pešić in Belgrade, that these children go to, whereas the other eight focus groups have been held in the premises of the nongovernmental organisation Atina. Focus groups with children were organised in the form of workshops that included various interactive activities. For the requirements of the research, a three-dimensional road map of children on the move had been developed (Figure 1) that was used as a starting point of the discussion with children.

Figure 1:
Road map of children
on the move



fotografija: PROCES edukativna arhitektura / www.proces.rs

The road map of children on the move presents several key points of the migration process – point in which the travel starts, point of temporary stay and point that marks the final destination. In addition to this, the map presents the road, relief (mountains, desert, sea), as well as state borders. Children could use different materials – model-buildings, elements that symbolize vehicles, people...By using the map and provided elements children told the story on their journey during focus groups. Therefore, model-buildings symbolized a house or a school, border police, Centre for Social Work, Accommodation Asylum Centre – all the institution children had contact with during the migration, whereas people represented their peers, people close to them or professionals children are in contact with.

By using emoticons, children marked all the places in the map in which they (have been) are exposed to risks, as well as those places in which they felt safe and secure and where help and support (was) is available; then they wrote notes to the decision makers, pointing to risks they are exposed to as well as suggestions on how to improve the position of children on the move and to ensure exercising of the rights of the child. Children also used specially designed greeting cards that they “sent” from map points to important persons that are not with them, model-bags in which they “packed” all they would take on the journey or would get during the journey, signposts in which they wrote their future wishes.

Half-structured interviews have been done with two girls, victims of human trafficking. The Road map of children on the move used in focus groups, has also been used during interviews with children on the move as a starting point for discussion.

Case studies

During the data gathering process with children, five case studies have been identified that illustrate some of the specific situations in which children on the move in the Republic of Serbia find themselves. Case studies record, both examples of good practice and the disadvantages of the system and complete the state presentation but also suggest some manners in which problems could be solved.

Case studies encompass five stories on:

- a girl from Afghanistan, separated from her family, identified as a potential victim of human trafficking;
- a girl from the Home for children identified as a victim of human trafficking;
- a 10-year old boy included in life and work in the street;
- a girl from Afghanistan that migrated to Serbia with her parents and filed an asylum request;
- three children, brother and two sisters who have been returned from Norway to Serbia in accordance with the Readmission Agreement because they did not get asylum there.

Research process

The entire research, starting with the formation of the research team and finishing with writing the report lasted from the half of September 2012 until the end of January 2013.

In the first preparation phase, a research team was formed and made of: Head Researcher, Experts in social policy and participation of children, as well as experts for the case study creation. The team jointly developed a research framework, methodology and implementation plan. The constituent part of the preparation included additional training of field researchers who were a support on the process of research preparation. A special attention was paid to the preparation for research with children and adults who were in contact with children, ensuring the protection of children and their personal data as well as preparing the environment that would be adapted for children. This phase begun in September and was finished during October 2012.

Data gathering process lasted from October until November 2012 and in this period focus groups and interviews between professionals and children have been organised, and also materials for the needs of creation of case studies have been gathered. Although experts worked independently, regular consultation were held for the purposes of harmonizing and checking of the flow and results of research.

Processing of data and preparation of reports lasted from November 2012 until January 2013. The final report that compiled all results obtained from all interviewees was prepared during January 2013.

The greatest part of the analysis of primary and secondary data was done by the end of September and beginning of October 2012. Later, a revision and amendments of this part of research was done, while during preparations, but also after focus groups have been held, some data have been additionally gathered and checked, in comparison with information obtained from professionals. Disharmony in

methodologies used for data gathering as well as incompatibility of reports from the official reports, have been a challenge that required an additional checks and data interpretation by interviewees who came from these institutions.

Research with professionals lasted, depending on the method, from October 2012 until the end of November 2012. The focus group interviews lasted between 110 and 160 minutes and have been conducted by two professionals engaged in the facilitation and research. The analysis was done based on the report made in accordance with transcripts of all three focus groups. Detailed interviews were slightly shorter, from 60 to 120 minutes and the analysis has also been formulated based on transcripts of the conducted interviews.

Focus groups and half-structured interviews with children on the move were held in the period of October until the end of November 2012. The total of 13 focus groups have been held with children, lasting 3 to 4 hours and two half-structured interviews that lasted for 3 hours. The field research was realized by a team of two researchers out of which one was focus on a discussion with children and the other one on recording children's statements. A person of trust was present during focus groups and interviews, usually a representative of a non-governmental organisation that was engaged in a direct work with children who participated in the research.

During preparations for focus groups and interviews, characteristics of children and their specific experiences on which researchers have been informed by the professionals who work directly with children included in the research, were taken into account. The workshops had such structure in which the initiate activities were targeted on the topic introduction and creating the atmosphere of trust with the group of children, whereas sensitive questions have been addressed in the later activities, but just when there was a feeling that children were prepared to talk about them. During the workshops, children said their story on their journey, on why they left their place of residence, on everyday experiences, risks they have to face, their hopes and expectations, on how they see their experience of migrations. They talked about the protection programmes they were included into, on

professionals they were in contact with, on the degree to which the existing programmes responded to their needs and on the manner in which, according to their opinion, these programmes could be improved. Researchers asked children about their personal experiences but also on the experiences of the other children on the move, in order to give them a chance to talk also about sensitive experiences that they maybe did not want to openly share with the others. The data analysis was done based on reports of workshops that were made in the form of transcripts of discussions with children.

Process of gathering data from children was at the same time a process of recording and preparation of **five case studies** whose authenticity had been checked subsequently with the actors included in the research.

Ethical issues, protection of children and the data confidentiality

For the purpose of ensuring clear and ethical participation of children, the preparation process of research with children on the move included also development of special research protocols that referred to both children and the researchers and other participants of the research process. The developed methodology of research with children was based on principles of:

- using participation research techniques adjusted to the age and experiences of children;
- transparency of the process of child participation that includes informing children on the purpose and goals of the research, their role, potential influence that the research might have on the decision makers; as well as insuring feedback on the children and effects of their participation
- equality of participation of all children in the research regardless of their nationality, language, gender.
- willingness of children to participate – all children participate in the research willingly and can quit the participation at any time; participation approval was obtained from children and their parents/guardians
- reliability and expertise of researches working with children – researches went through a special training, they have relevant knowledge and skills, they respect ethical principles of working with children, they know and apply the Policy for the protection of children of the organization Save the Children
- protection of children – during the research process a mechanisms for the protection of children have been ensured as well as special measures in order to ensure that participation in the research does not expose children to any risk

In the research process we were guided by ethical standards of children participation practice developed by the organization *Save the Children*.¹ During the gathering process, processing and presenting data, a special attention was paid to

¹ *Practical Standards in Child Participation*, International Save the Children Alliance, London, 2005.

the protection of children's identities and their personal data. On the other hand, all children's statements and experiences in the research report have been stated authentically, in their own language. Children who participated in the research and their parents/guardians have been informed on goals, process and methodology of the research. All children showed an interest and readiness to participate in the research. Willingness to participate and the possibility for children to quit at any time during the research have been set as the basic principle that was clearly presented to children. Parents/guardians of children that decided to participate in the research signed consent for the participation of their children. Researchers, interpreters and partners from local communities, who were in any way in the contact with children, signed a Confidentiality statement as well as the Policy on the protection of children, by which they obliged themselves to keep the privacy of data and to make sure that all children were protected from any kind of violence, exploitation, abuse or neglect. As it was already mentioned, researchers who were directly working with children, went through a preparation training in order to fully understand their roles and responsibilities they have in the process, as well as the manners that have to be implemented for each child in the research process to be treated with respect and appreciation.

Research limitations

The concept *children on the move*, is ever present in global debates, it does not have a generally accepted definition and presents a relatively new phenomenon. With regards to this, the research process had many limitations that, along with a short deadline for activity implementation and limited sources, conditioned the scope and volume of research.

A lack of a clear, conceptual framework, when taking about children on the move, significantly complicated the access to and analysis of the obtained data. The existing researches, policies and practices observe this group of children through a prism of their vulnerability and the need to prevent various types of exploitation. Besides this, absence of the special framework for the protection of this group of children and multi-sectoral system for data gathering, impose the question of comparison of the obtained data and reliability of their interpretation. Since absence of systematic recording is unfortunately a characteristic of protection system in Serbia, a check and obtaining of specific data for children on the move can be a subject of a special research. With regards to this, it should be noted that the research dealt with other systems too, but before anything else it was focused on the social protection system.

Also, the research did not include the basic analysis of vulnerability factors of children on the move, which definitely creates a space for further work in the field of creating frameworks for a timely reaction toward risky migration.

Additional difficulty that was, again conditioned by the subject, represented the fact that these groups of children were difficult to reach, which in the end conditioned the pattern formation from those children that have been included in the programmes of partner organisations of civil society. The mere fact that *children are on the move* presents an additional challenge in securing the access to these children, especially in the sense of taking into consideration all phases of the migration process.

Finally, the research focuses on ensuring perspectives of key actors in terms of the phenomenon of children on the move – children who were in Serbia at the time of research and professionals engaged in the field of protection of these children, while parents, as well as communities in which children are currently residing are not included.

3. INTERNATIONAL AND NATIONAL FRAMEWORK FOR THE PROTECTION OF CHILDREN ON THE MOVE

International context

Millions of children in the world migrate under different circumstances – alone or with their parents and guardians, willingly or forcibly and with different motives – these can be for job search or education, fleeing from unfavourable circumstances such as conflicts, and the mere situation of moving can put them under a greater risk, especially if they travel alone. On the other hand, migrations in some cases can help children a lot to reach new life opportunities.

According to *Save the Children* definition, children on the move are those children who for different reasons, willingly or forcibly, within a country or between countries, with or without parents or guardians migrate and who are potentially exposed to risks of inadequate care, economic and sexual exploitation, abuse, neglect, lack of care and violence, due to movement.”¹

Children on the move belong to the population that migrates² and it is believed that their number is constantly increasing, following trends of adult migrations³. According to the United Nations (UN) data⁴, during 2010, there were 214 million migrants in the world, out of which the majority of those who migrate from developing countries to more developed countries, while at the same time there is an increase in number of those who migrate between developing countries. One form of migrations that is increasing is a migration from rural to urban areas, as well as temporary migrations for season, temporary jobs. Although there are no comprehensive statistics, the mere description of the phenomena is especially significant for the population of children, because the assessments *show that a number of children encompassed by the internal migrations is significantly greater than*

1 *Child Protection Initiative: Taking action against all forms of abuse, neglect, violence and exploitation, brochure Save the Children*, 2010.

2 Migrations represent a movement of a person or a group of persons within one or more states, regardless of the time period or causes of such movement. Taken from: *IOM key migration terms*, www.iom.int/cms/en/sites/iom/home/about-migration/key-migration-terms-1.html#Migration

3 Daniela Reale, *Away from home - Protecting and supporting children on the move*, Save the Children UK, 2008, page 5.

4 UN Population facts, June 2012, http://www.un.org/esa/population/publications/popfacts/popfacts_2012-3_South-South_migration.pdf.

*the number of children included in the international migration.*⁵In addition to these types of migrations, primarily conditioned by economic reasons, there is an increase and scope of migrations caused by wars, conflicts and other political circumstances. The recent report of the United Nations High Commissariat for Refugees (UNHCR)⁶ states that in 2011, there was a *record number of forced international migrations* and that the number of refugees is the greatest in the last eleven years. Across the globe, a total of 42.5 million people were forced to migrate – as refugees (15.2 million), internally displaced persons (26.4 million) or in the process of asylum seek (895.000).

In the context of children on the move, it is important to note that this UN agency believes that children make almost half of 33.9 million persons who are included in their scope of work – refugees, asylum seekers, persons without citizenship as well as returnees and internally displaced persons ⁷.

There are two parallel paradigms when analyzing children⁸. On the one hand there is the *migration analysis* in which the position of these children is usually not analysed separately, that is, their migrations are not the subject of special attention with regards to migrations of adults, in spite of the fact that children make a significant part of the migrating population. With regards to this, there is also a lack of understanding for the specificity of motives and circumstances, vulnerability and resiliency of children on the move within a general migrant population. Furthermore, international *fight against human trafficking*, that is the legal aspect of the phenomenon of human trafficking has also influenced the role of children on the process of movement to be neglected. This has, as a consequence, lead to understanding of measures for fight against human trafficking in a manner in which they could be applied to all types of children movement, as well as to tendencies for every movement to be *a priori* marked as negative and dangerous for the wellbeing of the child. As in the case of migrations, this simplification lead to a neglect of various motives, reasons and context of child movement, that is the fact that in many cases, exposure of children to risks of violence, abuse or neglect is actually

5 Daniela Reale, op. cit, page. 5.

6 Global Trends, UNHCR, 2011, <http://www.unhcr.rs>

7 Na: <http://www.unhcr.org/>

8 Daniela Reale, op. cit, pg 3.

decreased by leaving home and/or community in which they lived, and that they are searching for a better economic, developmental and educational possibilities. Bearing all of this in mind, it can be said that the present migration policies and systems of child protection failed in responding adequately to the needs of children on the move, that is, in exercising their rights, despite an obvious need for that to be done.

In terms of extracted data for children, it is available for all subgroups of children within the general group of children on the move. According to the assessments of the International Labour Organization, 1.2 million of children per year become human trafficking victim⁹, whereas 215 million of children under the age of 18 are working.¹⁰ According to data of the United Nations Children's Fund (UNICEF)¹¹, around 15 million of children aged 5 to 14 are included in child labour. Also in the case of children on the move, a special risk represents their legal invisibility arising from the absence of any registration of birth. UNICEF estimates that over one third of newly born children in urban areas is not registered.¹² On the other hand, although assessments state that majority of children who migrate are moving with their parents and families in search of employment and better opportunities, a considerable number of children are also moving alone.

Challenges related to children who migrate without adult companions are recognised also by the European Union (EU) and these mostly pertain to minors asylum seekers who are coming from countries outside EU states or who have no citizenship. According to 2008 data, as much as 11 292 asylum requests came from minors without adult companions, out of which majority was from Afghanistan, Iraq and some African states, whereas the main causes listed were fleeing conflicts, poverty, discrimination, search for better living conditions, etc.¹³

9 *Every Child Counts* reports of ILO, <http://www.ilo.org>

10 Facts on Child Labour, ILO, http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_126685.pdf

11 *The State of Worlds Children 2011*, UNICEF, pg. 33, http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf.

12 *The State of Worlds Children 2012*, Children in an Urban World, pg. 3, http://www.unicef.org/sowc2012/pdfs/SOWC%202012-Executive%20Summary_EN_13Mar2012.pdf.

13 This number pertains to 22 member states in which the number of asylum seekers in 2008 has increased by more than 40% compared to 2007. EU Action Plan on Unaccompanied Minors COM (2010) 213 final, p. 2 http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_trafficking_in_human_beings/jl0037_en.htm

Bearing in mind the complexity of the problem and specificity of the position of children on the move in relation to adults, treatment of this phenomenon requires a unified, comprehensive approach, intensive and developed transnational cooperation, as well as the analysis of various aspects of child protection. Building a systematic approach of the protection of children on the move, instead for the present dominant analysis within certain sectors and fields, can be observed as a part of the most recent attempts to establish a holistic approach to the child protection. One of the documents that made a turn in understanding of child protection is definitely **World Report on Violence Against Children of the UN Study on Violence against Children**¹⁴ dated 2006, that recommends a multi-dimensional and systematic framework in exercising the right of the child and protection of children.

14 World Report on Violence Against Children, Study of UN Secretary General, 2006, <http://www.unicef.org/violencestudy/Cover%20World%20Report%20on%20Violence%20against%20Children.pdf>

United Nations System

The Convention on the Rights of the Child (1989)¹⁵ (hereinafter: The Convention) along with the **Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and Optional Protocol on the Involvement of Children in Armed Conflicts (2000)**¹⁶, is the most realistic document in the field of the rights of the child, that is, it constitutes a basis for the international protection of the rights of the child. According to the **Convention, a child is any human being below the age of 18**, and the definition of a range of civil and social rights of the child is based on four principles which are fundamental for the implementation of the Convention.

The right to non-discrimination is defined in Article 2 under which the signatory states are obliged to guarantee the rights established in this Convention to any child under their jurisdiction without any discrimination and regardless of the gender, language, religion, nationality, ethnical or social background, assets, nativity or some other status of the child, parents or guardians etc. With regards to this principle, children on the move have equal rights as the other children, regardless of the fact that they, as such, are not separately recognised by the Convention.

Principle of the best interest of the child (Article 3) pertains to all activities concerning children, no matter if these are implemented by public or private institutions, legal, administrative organs or legislative body. This also implies that all institutions, services or institutions in charge of care, that is protection of children should adjust to standards in the field of security, health, accommodation etc. The importance of this principle is manifested in many situations in which children on the move find themselves, and also when many factors have to be taken into account in making a decision on securing the protection and wellbeing of the child.

Moreover, the Convention in Article 6 prescribes that children have the right to *right, development and survival*, that is the right to an optimum development in

15 Ratified by the Law on Ratification of the Convention of the United Nations on the Rights of the Child, *Official Gazette of SFRY – International Agreements*, no. 15/90 and *Official Gazette of SRY – International Agreements*, No. 4/96 and 2/97.

16 *Official Gazette of SRY – International Agreements*, No. 4/2001.

accordance with potentials of each child. The right to express their opinion on every decision, is defined in Article 12 and amended by the right to freedom of expression (Article 13), freedom of thought, conscience and religion (Article 14), freedom of association (Article 15), right to privacy (Article 16) and the right to access information (Article 17); all these rights make a body of texts on the *right to participation*, as the fourth principle and a condition for ensuring the other rights of the Convention.

The Convention also defines some rules that are very important for the situation of children on the move, primarily, protection from being hurt physically and mentally, abuse and neglect (Article 19), all forms of sexual exploitation and sexual abuse (Article 34), protection from an abduction, sale and trafficking of children (Article 35), as well as any other form of exploitation that could in any way damage the child's welfare (Article 36), and inhuman and degrading actions and punishment (Article 37). Obligations arising from Article 39 also pertain to a state, and they concern providing a support for physical and mental recovery of child that was a victim of violence as well as a support for its reintegration into the society.

Furthermore, for exercising and further regulation of the rights of some of the subgroups of children on the move, the **General comments number 6 (2005)**¹⁷ published by the Committee for the Right of the Child is especially important, as an answer to the increase of number of children who travel without guardians for various reasons, including the search for better economic opportunities, conflicts and wars, human trafficking, etc. Numerous disadvantages in the protection of this especially vulnerable group of children have been noticed in this document.

The Comment primarily makes a difference between *unaccompanied children* – children who have been separated from both of their parents and other relatives and who are not under a care of an adult responsible for providing care, and *separated children* – children separated from both parents or primary guardian. This group however, also includes children who are accompanied by other adult family members. The Comments furthermore interprets some of the key provisions of the Convention in the contexts of these two groups of children. Therefore, for example, obligations of the contractor states pertain to ensuring the same rights for all children found in the territory of the state regardless of their immigration

¹⁷ Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, available at www.unhcr.ch.

status, nationality or citizenship.

In addition to sustainment from the measures that violate the rights, positive obligations of the state have been prescribed, to ensure protection and help to unaccompanied children and children separated from parents or primary guardians as well as measures of early identification.

Application of the *non-discrimination* principle, in addition to discrimination ban, also implies a special treatment with regards to differences in the age and gender, whereas measures that include police supervision can be used only limited but not at a group level.

The principle of *better interest of the child* is applied during all phases of moving of the children and it implies a clear establishment of the child's identity and its specific needs by the professionals and in a safe environment, determining guardian and a legal representative if the child is further instructed into administrative and legal procedures.

Since unaccompanied children and separated children have been deprived of family environment, they have *the right to a special protection and help* from the state (Article 20 of the *Convention*). This includes ensuring various types of accommodation, in which general guidelines that a child should not be deprived of his freedom apply, that changes of the accommodation should not be limited, that relatives should stay together, that a regular visit and supervision by professionals is needed, etc.

In terms of *right to education*, provisions of the *Convention* are also applied in a non-discriminating manner – in accordance with Articles 28, 29, 30 and 32 unaccompanied children and separated children have the right to education access in all phases of their movement and regardless of their current legal status. The Committee stresses the right to preserve the cultural identity and language as an obligation of educational institutions to issue these children the necessary documents, especially during preparation for movement.

During exercising the right to the highest standard of health (Article 24), special circumstances and vulnerability of these groups of children such as separation from the family, trauma, loss, experience of violence, stress and conflict, and gender based violence are accepted. Article 39 especially recognizes that there

are needs necessary for the recovery and reintegration of the children victims of neglect, abuse, punishment and degrading, which is usually related to unaccompanied children and separated children.

The Committee stresses that obligations of contractor states can increase, in accordance with a developing character of the standards themselves, and that these standards cannot decrease the existing standards of protection of human rights. It should be stressed that the contracting states are equally invited to apply all relevant aspects of this Comment when dealing with unaccompanied children and separated children that move within state borders.

Bearing in mind the problems in implementation of the UN Convention on a national legislature, it is important to note that by the end of 2011, the Optional Protocol on the Procedure for Complaints¹⁸, for the purposes of a more efficient implementation of the Convention. This protocol should enable children, that is their representatives who claim that the rights of the child have been violated, to state their complaint to the Committee on the rights of the child, if legal remedies have been used up before; by this, children become equal to other right bearers who can file complaints before the international institution.

The Convention on the rights of the child is a part of a wider international system of protection of human rights that have been established by the **Universal Declaration of Human Rights** dated 1948 and the accompanied by the **International Pact on Civil and Political Rights**, and **International Pact on Economic, Social and Cultural Rights**¹⁹ dated 1966, all that contain standards of protection, such as the guarantee of respect of personal dignity and ban of discrimination in exercising and protection of rights. The Convention also unites and consolidates provisions of some other UN conventions that are a basis for the protection of human rights and basic freedoms, and these can be used for the protection of rights of certain subgroups of children on the move.²⁰

18 Serbia signed but still has not ratified the Protocol.

19 Serbia signed but still has not ratified the Protocol.

20 These are among others, the Convention on the Refugees Status (1951) and the accompanying Protocol on the Refugees Status (1967), The Convention on the Stateless Persons (1954), The Convention on the Reduction of Statelessness (1961), The Convention on Elimination of all forms of Racial Discrimination (1965), The Convention on Elimination Discrimination Against Women (1979), The Convention Against Torture and Other Cruel, Inhuman and Degrading Punishment (1984), The Convention against Transnational Organised Crime and Protocol to Prevent Suppress and Punish Trafficking in Persons especially Women and Children (2000).

In addition to UN conventions, in the international system of protection, there exist many documents, guidelines and principles pertaining to certain subgroups of children on the move.

Therefore, UNHCR adopted the **Policy on Refugee Children**²¹ dated 1993, and in accordance with this, a document **Refugee Children: Guidelines on Protection and Care** dated 1994²². The next year, **Multiresort working group for unaccompanied children and separated children** has been established, that included representatives of leading organisations in the field of child protection and developed a document titled **Inter Agency Guiding Principles on Unaccompanied Children and Separated Children**²³.

Out of newer documents that can influence the establishment of standards of protection for children on the move, the most significant are **Guidelines for the Alternative Care of Children**²⁴ that have been adopted by the UN General Assembly in 2010, and that concern the principles of ensuring care for children without parental care or children at risk of losing parental care. The guidelines stress the obligation of the state to insure monitoring over the alternative accommodation as well as an adequate care for especially vulnerable groups of children: abandoned children, children that live and work in the streets, separated children and unaccompanied children, children that seek asylum, etc.

This trend was strengthened by the cooperation at an international plan and connecting different actors – thus in 2011, a **Global working group for the children on the move**²⁵ has been established, with the purpose of promoting a comprehensive approach to this subject in public policies, to ensure coordination and to increase visibility of problems of the children on the move. The group is made of several UN agencies (UNICEF, UNCHR, IOM) and international organizations and it operates with the support of the **Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography**.

21 *Policy on Refugee Children*, UNHCR 1993, EC/SCP/82.

22 *Refugee Children: Guidelines on Protection and Care*, UNHCR, 1994.

23 *Inter Agency Guiding Principles*, available at http://www.unicef.org/violencestudy/pdf/IAG_UASCs.pdf.

24 *Guidelines for the Alternative Care of Children*, Resolution 64/142.

25 <http://www.gmfc.org/en/newsroom/gmc-press-releases-and-news/1107-un-special-rappor-teur-najat-mjid-attends-children-on-the-move-working-group-meeting-in-geneva>

Instruments of the Council of Europe and European Union

The European Social Charter²⁶ as the head document of the Council of Europe pertains to social and economic rights (adopted in 1961, revised in 1996), prescribes that children and youth have the right to a special protection from physical and moral dangers they are exposed to (Article 7), to protection against neglect, violence and abuse, as well as a special help if they are deprived of family support (Article 17).

One of the first steps toward standardization of the field of children protection at the level of the Council of Europe is definitely **European Convention on Exercise of Children's Rights** (1996, entered into force on 2000)²⁷ that primarily pertains to family relations and parental responsibilities, but states can apply it in other cases²⁸. This Convention has the goal to ensure more easy exercise of rights by informing and participation of children in legal procedures that pertain to them, such as the right to express opinions, right to information on possible consequences of decisions, appointment of representatives.

The Council of Europe adopted also a Convention on Action Against Human Trafficking²⁹ that specifically points to the need of protection of victims under the age of 18 and that contains specific provision pertaining to the children victims of trafficking.

This Convention and Charter served as a starting point for the **Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**, made by the Experts' Committee of the Council of Europe and signed in 2007³⁰. In addition to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, this is the only international instrument pertaining to sexual abuse of children³¹. The two main goals of the Convention are prevention and fight against sexual exploitation and abuse of children and protection of rights of children

26 Law on Ratification of the Revised European Social Charter, „Off. Gazette of RS – International Agreements”, no. 42/2009.

27 Serbia signed the Convention in 2009, but it did not ratify it. Convention text available at <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=160&CL=ENG>.

28 *Explanatory Report* <http://conventions.coe.int/Treaty/en/Reports/Html/160.htm>.

29 Law on Ratification of the Convention of the Council of Europe on Fight against Human Trafficking “Off. Gazette of RS – International Agreements”, no. 19/2009.

30 Serbia ratified the agreement in 2010 and reached a Law on Ratification of the Convention of the Council of Europe on the Protection of Children Against Sexual Exploitation and Sexual Abuse, “Official Gazette of the RS - International agreements” No. 1/2010

31 *Explanatory report*, www.conventions.coe.int

victims, and concrete obligations have been prescribed, both in national and international cooperation context.

In terms of prevention, it is important for professionals working with children in all sectors, to be informed and to have proper knowledge so they could act preventively and to successfully identify children victims of sexual abuse and at the same time to adequately introduce children with this topic. An obligation of the contracting states in the field of protection is ensuring a support programme intended for children and relatives as well as establishing an SOS line for advisory assistance. Services that are in contact with a child victim are obliged to inform the competent protection authority.

In accordance with the principle of protection of the child's best interest and avoiding re-traumatisation, during investigatory and criminal procedure it is necessary to protect privacy and safety, for victims to be informed on their rights, for circumstances in which communication is implemented to be adjusted to a child as well as to ensure for a child a company of the legal representative or an adult whom the child chose itself.

In the EU, principles and responsibilities in the field of rights of the child arise from a broader system of protection of human rights, that started developing more intensively since 1990s. The Charter of Fundamental Rights of the European Union (2000)³² is the first document that comprehensively defines the guaranteed political and social rights, by which political mandate has been given for activities of the Union in this sphere. The rights of the child are especially recognized in Article 24, including the right to protection and care necessary for wellbeing of the child, the right to express their views freely and the right for child's best interest to be primary consideration, in accordance with the UN Convention.

The Charter is a part of the **Treaty of Lisbon** (2007)³³, that in Article 3 explicitly recognises the promotion of the rights of the child as the goal of both internal and external affairs of the Union. These principles have been transformed into specific priorities and special documents pertaining to the issue of the protection of the rights of the child within the EU and third world countries.

32 EU Charter on Fundamental Rights (2000/C 364/01).
33 Lisbon Treaty 2007/C 306/01

The basis for protection and promotion of the rights of the child in internal and external policy of the EU has been established by the Announcement of the European Commission dated 2006 in accordance with the **EU Strategy for the Rights of the Child**³⁴. This announcement prescribes a development of long-term strategy of the EU with regards to the rights of the child and child protection, strengthening capacities of the European Union institutions dealing with the rights of the child and inclusion of various actors in this process. It also prescribes networking and a formal representation of children in activities pertaining to fulfilment of their needs, as well as indicators of achievement of children's rights and monitoring influence on the position of children.

The issue of the children's rights became a subject of greater interest since that time, especially in the field of foreign policy of the Union³⁵. The basis of this policy in the field of human rights is defined by a document titled **EU Guidelines on Human Rights**³⁶. Although they are not legal binding, these guidelines have been unanimously adopted by the European Union Council and with regards to this, they represent a political signal of EU priorities, but also a guide for the improvement of human rights outside the Union. In accordance with this, a framework for relation between the EU in terms of protection and promotion of children's rights and non member states, is defined by the **EU Guidelines for Promotion and Protection of the Rights of the Child**(2007)³⁷. The Guidelines stress political dedication to children's rights in foreign policy of the Union and its operationalisation by the use of various instruments: political dialogue, announcements, bilateral and multilateral cooperation. Special fields of the EU engagement in the foreign policy in terms of children are: directing third countries to adopt and implement international norms and standards with cooperation with international system of protection, raising national capacities for the protection of children's rights; improving structures and procedures for monitoring, relocation of resources so they pertain specifically to the child's protection; and harmonisation and implementation of necessary changes in the national legislature and necessary reforms of the judiciary and efficient measures against violation of the rights of the child.

34 Towards an EU Strategy on the Rights of the Child COM (2006) 367.

35 Vandenhoe, Wouter. *Children's Rights in EU External Action: Beyond Charity and Protection, Beyond Instrumentalization and Conditionality*, pg. 478.

36 *EU Human Rights guidelines*, available at http://eeas.europa.eu/human_rights/guidelines/index_en.htm

37 *EU guidelines on the Promotion and Protection of the Rights of the Child*, available at http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/QC8308123ENC.pdf

In the foreign policy of the Union, promotion of the child's rights and an answer to basic needs are additionally stressed in the Announcement „**A Special Place for Children in EU External Action**“ (2008)³⁸. This announcement of the Commission is related to the goals of the EU Guidelines and it prescribes a promotion and protection of the rights of the child by using available instruments in foreign policy of the Union in different fields: in developed cooperation, trade exchange, political dialogue and humanitarian aid. The issues that have to be solved urgently and that concern children in the crisis situations, are those that pertain to unaccompanied children, children related to armed forces and education in unusual incidents.

An EU Agenda for the Rights of the Child (2011)³⁹ stresses the dedication of EU institutions and member states in promotion and protection of the rights of the child in all relevant public policies. The priority of the child's best interest should, in accordance with the Convention on the Rights of the Child and the Charter of Fundamental Rights of the EU, be included in creation, implementation and monitoring of all policies pertaining to children. The Agenda pertains to a number of fields, both within the member states (judiciary, protection against violence, protection of children in risky situations) and in their foreign policies. In this, there is also a need for creation of a comprehensive framework for the protection of children exposed to sexual exploitation and trafficking, children seeking asylum, third countries and unaccompanied children coming to the EU, children who run away that is went missing.

The policy of the Union in terms of certain subgroups of children on the move is additionally defined by the **Action Plan on Unaccompanied Minors** (2010)⁴⁰, for the period 2010–2014. In spite of existence of instruments related to the asylum, migrations and human trafficking, the increase of number of unaccompanied children who come to the EU, requires a better coordination between the states of origin, transit and destination⁴¹. Starting with the principle of the best child's interest, the Plan defines a problem of lack of information on these children, as well as three fields of intervention – prevention, reception and permanent solution for these children.

The prevention primarily pertains to acting and cooperation with the origin states and

38 A Special Place for Children in EU External Action, COM (2008) 55 final.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0055:FIN:EN:PDF>

39 EU Agenda for the Rights of the Child, COM (2011) 60 final http://ec.europa.eu/justice/policies/children/docs/com_2011_60_en.pdf.

40 EU Action Plan on Unaccompanied Minors, COM (2010) 213 final.

41 One of the identified current problems that the Action Plan recognises, deals with ensuring representatives in border areas.

includes several directions of activities. Migrations, especially unaccompanied minor migrations should be the subject of development cooperation on key areas of decrease of poverty, education, health, labour, human rights. Furthermore, the importance of informing, education and raising awareness on risks that irregular migrations to EU in the countries of origin and transit bare. In the end, the plan as prevention measure identifies also a development of comprehensive system of child protection, as well as development of the system of registration of children which enables them to acquire a legal subjectivity by instruments of international cooperation.

The Plan also prescribes further development of standards concerning minors in the EU member states and before anything else, harmonisation of standards pertaining to children from various subgroups – asylum seekers, refugees, irregular migrants and human trafficking victims as well as regulating cases that are in border and transitional zones. Once an unaccompanied minor is identified, the protection and ensuring adequate accommodation as well as appointment of guardian is of primary significance. Upon the reception, assessment of the child's age is recognized as one of the key importance, since this will then determine further protection and exercise of its rights. Finally, the final part of the Plan as permanent solutions in accordance with the interests of the child, identifies a return or reintegration into the state of origin, receiving the status of international protection or some other status that would enable minor to successfully integrate or resettle. Reaching a decision on the future of the child should not last longer that 6 months and it has to be taken into account the possibility of reunion with the family but also the assessments of opportunities and possibilities that the child has in the land of origin/transit.

In addition to the aforementioned regional and international standards, various inter-state agreements and mechanisms of cooperation in the EU and other regions are important for the status and protection of certain subgroups of children on the move. By defining relations between the states of origin, transit and destination during international migrations, they also determine the treatment of regular and irregular migrants, children included. One of the examples is the **Dublin II Regulation**⁴² setting the criteria for the establishment of the responsibility of the member states in analyzing asylum requests submitted in the EU from the third

42 Regulation (EC) No. 343/2003 of the Council available at: http://europa.eu/legislation_summaries/jus-tice_freedom_security/free_movement_of_persons_asylum_immigration/l33153_en.htm

countries' citizens. This Regulation established a principle that only one member state is responsible for analysis of asylum requests, in order to avoid sending seekers from one to another state, and to enable submission of greater number of asylum requests by one person, at the same time. It also harmonises **bilateral and unique agreements on readmission**, that regulate the readmission of third countries' citizens who stay in the EU without a permit. The leading principles for implementation in this field have been adopted in 1995.

It is evident that due to global events and development of the system of protection of human rights, the issues of child protection are also becoming more precisely arranged. This trend has especially been evident over the past ten years in the European Union – treatment and position of vulnerable groups of children (including children on the move and those children exposed to risks) are quickly becoming fields of regulating internal and external policy. However, when talking about children on the move, it seems that it is necessary to additionally improve international mechanism of coordination and informing between the states of origin, transit and destination, especially bearing in mind the significance of systematic and coordinated actions of states in all phases of ensuring protection and access to rights – for determining identity, finding parents and relatives and finding best options for the child's interest. The importance of development of transnational cooperation mechanisms is stressed in certain, current recommendations⁴³ for improvement of protection of children on the move. In addition to directing interventions to the protection of children who are found in the most risky forms of migrations and increasing their access to services, it is necessary to put efforts into the increase of resiliency of children toward risks of violence, exploitation, abuse and neglect during the journey, and affect unfavourable circumstances and causes that led to risky movements. Children who reach the wanted destination also need additional support both for adapting to new environment and for the process of reaching decisions on their own future.

43 *Save the Children* among other things suggests a creation of Global study on measures of international cooperation as steps toward establishment of comprehensive framework for the protection of children on the move. More information on this available on <http://resourcecentre.savethechildren.se/node/6665>.

Children on the move in Serbia – legislative and strategic framework

Political and economic changes of 1990s, wars, long-lasting poverty, permanent state of crisis, late and slow transformation of society as well as events in the states around, influenced the increase in number of children in Serbia that are especially endangered and neglected, and also usually abused and exploited. One of the consequences of the aforementioned events is also a new phenomenon of children that under various unfavourable circumstances, change their place of residence, by which they are exposed to various risks. This trend is also followed by changes in global migrational tendencies and policies, frequent phenomenon of groups of children from third countries who need additional and specific protection and all of this influenced Serbia having a new place in the general migration flows.

Children on the move are not only recognized as a special group in legislature, strategic and institutionalized framework of the Republic of Serbia, which is not unusual, bearing in mind, as already stated, that this was also not a case in the international context. On the other hand, a greater number of legislative and strategic national documents is significant for this field and in accordance with that, it affects both the position and the exercise of rights of this group of children.

Legislative framework

Serbia ratified the Convention on the Rights of the Child and therefore obliged that it would respect the rights and take all measures for their implementation and protection. However, in order to ensure its full implementation, it is necessary to enact new, that is to harmonize the existing laws⁴⁴. Therefore, for example, although basic principles of the Convention are somewhat encompassed and can be implemented from certain articles of the Constitution, it is believed that the future Law on Children should proclaim and determine in more details the contents of these principles of the Convention⁴⁵.

For the application and analysis of the implementation of the rights of the child, there are eight to ten relevant laws in Serbia.⁴⁶ Since there is still no Law on children, rights and standards of child protection, and therefore children on the move, arise from a chain of other laws from the field of family law, criminal law or social protection, education, health, regulation of border-crossings etc. Unfortunately, some of the key legal documents do not separately recognize children in the context of migrations and risks exposure. What follows is an overview of legal framework that can be significant for the protection of children on the move, that is, certain group of children, and for specific situations and phases during movement. The regulation is presented from the widest acts that define the values of the system, including system of protection of children (and children on the move), such as the Constitution of the Republic of Serbia and general Law against discrimination; to the laws specifically relevant for the field of protection of children on the move and exercising their rights (Law on Social Protection, Family Law, Law on Permanent and Temporary Residence of Citizens, Law on Health Protection, Law on foundations of education system); and laws that regulate the field of migration policy and that are especially important for analyzing the situation of children migrants (Foreigners Law, Law on Asylum, Law on Refugees, Law on Ratification of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorization and Law on protection of state border); and to laws that regulate criminal protection of minors, significant for the field of protection of specific groups of children victims of violence and

⁴⁴ *Analysis of legislature of the RS from the aspect of rights of the child.* Centre for the Rights of the Child, 2011. Page 4.

⁴⁵ *Ibid.*, pg 9.

⁴⁶ *Ibid.*, pg 5.

exploitation in the group of children on the move (Criminal Law, Law on Juvenile Criminal Offenders and criminal protection of minors).

The 2006 Constitution of the Republic of Serbia⁴⁷ is the first Constitution of Serbia that mentions the rights of the child and guarantees a chain of individual rights. Therefore, every child has the right to a personal name, entry in the registry of births, protection from any form of exploitation and abuse (Article 64). A special protection shall be provided for children without parental care and children under 15 years of age may not be employed nor may children under 18 years of age be employed at jobs detrimental to their health or morals (Article 66). In addition to this, there is the right to health care provided from public revenues unless it is provided in some other manner (Article 68) and also the right to free primary and secondary education (Article 71). Also, in the context of more righteous trial, there is the right to free assistance of an interpreter, if the person does not speak or understand the language officially used in the court and for the protection of interests of juveniles, public may be excluded from court procedure (Article 32).

The **Law on Prohibition of Discrimination**⁴⁸ prescribes the principle of equality regardless of personal characteristics, and everyone shall be obliged to respect it (Article 4). Pursuant to Article 22, every child, that is, every minor, shall have equal rights and protection in the family, society and the state regardless of his/her personal characteristics or those of his/her parents, guardians or family members... ,which includes prohibition of discrimination on the grounds of health, being born out of wedlock, gender, etc. This law also recognizes slavery, human trafficking and their propagation as severe forms of discrimination.

As some goals of social protection, **Law on Social Protection**⁴⁹ recognizes achievement of minimal material security and independents of individual and family, removing consequences of social exclusion and prevention of abuse, neglect and exploitation. The right to social protection pertains to individuals and families that are in the state of need, and it is exercised by services of social protection and material support. In addition to citizens of Serbia, the users can also be foreigners as well as stateless persons.

47 The Constitution of the Republic of Serbia, *Official Gazette of RS*, No. 98/06

48 Law on Prevention of Discrimination, *Official Gazette of RS*, No. 22/2009

49 Law on Social Protection, *Official Gazette of RS*, , No. 24/2011

Minors become users when their health, safety and development are endangered by life circumstances. These are especially situations in which there is no parental care or there is a risk of losing parental care; parents are unable to take care of the minor without additional support; there is a conflict between the minor and parents, guardian or community; there is abuse of alcohol and drugs; there is a danger that the minor shall become the victim or already is a victim of abuse, neglect and exploitation; the minor is a victim of human trafficking; the minor is a foreign national that is a stateless person, unaccompanied person or other situations in which there is a need for protection.

There will be more word on specific social protection services in the next chapters.

The Family Law⁵⁰ is the basic law that determines relations among children, parents and guardians, whether they are relatives or not, as well as a general relation of the state towards a child. Therefore, pursuant to Article 6, paragraph 1, everybody should bear in mind the best interest of the child in all activities concerning the child. Paragraph 2 formulates the obligation of the state to undertake all necessary measures for the protection of the child against neglect, physical, sexual and emotional abuse as well as any type of exploitation, and paragraph 6, that the child without parental care should have protection in family environment whenever possible.

Mother, child and family are under a special protection of the state. The right to respect of family life is a general right. The law forbids abuse of parental right and domestic violence and prescribes that everyone has the right to protection against domestic violence. Parents have the right but also an obligation to take care of the child. They must not subject children to degrading actions and punishments that insult dignity and are obliged to protect the child from such treatments of other persons.

A child at the age of 10 has the right to state its opinion on the court and administrative procedure in which its rights are to be determined, as well as to address the court under circumstances more favourable for him/her, in the presence of the guardian or person it chooses itself.

A provision that prescribes that a person cannot marry without his/her free will and that the marriage can be annulled if a minor married without the permission of the court, if the spouse agreed to marry under a force or a threat, or if the spouse agreed to marry but was mistaken about the personality of the other spouse (Article 37, 38, 39), is especially important for the protection of one of the subgroups of children on the move – children victims of human trafficking (forced marriage).

Article 12 recognises *centre for social work* as a performer of the protection of family, assistance to family and guardianship, whereas supervision of the work of supervisory organs is performed by the authorised ministry for family protection (Article 14).

A complaint for the protection of the rights of the child can be filed by the child, child's parent, Public Prosecutor and guardianship authority. All child's, health and educational institutions and institution of social protection, judicial and other state organs, associations and citizens have the right and duty to inform the Public Prosecutor or guardianship authority on the reasons for the protection of the rights of the child (Article 263).

Law on Permanent and Temporary Residence of Citizens⁵¹ enables the possibility of establishing permanent residence by the decision of the authorized organ in the address of the permanent residence, temporary residence, permanent residence of spouse or common-law spouse, parents, institution in which the person has been accommodated or Centre for Social Work in the area of residence.

Law on Health Protection⁵² prescribes the rights and obligations of patients, including health protection of foreigners. Social care for health is exercised, among other things, by health protection of socially deprived population that includes persons of Roma nationality without permanent residence, children up to the age of 18, persons that have been victims of domestic violence and victims of human trafficking (Article 11). As a general interest of the social protection, this law acknowledges also an urgent medical aid to persons of an unknown residence, as well as other persons who do not exercise this right in some other manner in accordance with the law (Article 18). The equality principle includes discrimination ban in providing health services (Article 20).

51 Law on Permanent and Temporary Residence of Citizens, *Official Gazette of RS*, no. 87/2011

52 Law on Health, *Official Gazette of RS*, No. 107/2005, 72/2009 – other law, 88/2010, 99/2010 and 57/2011

As a human right and value, it is set that any child under the age of 18 has the right to the highest possible standard of health and health protection (Article 25). A child capable of reasoning and that has turned 15 has the right to access its documents and to agree upon a medical measure (Article 35, Article 36).

Foreign nationals and stateless persons, including persons with temporary residence or who are crossing over the territory of the state, have the right to health protection, including urgent medical aid (Article 238, Article 240).

The Law on the basics of education and upbringing⁵³ in Article 3 describes general principles under which education is achieved. In order to understand the analysis that is a constituent part of the publication, the most important listed principles are: equal right and access to education without discrimination, equal possibilities for education at all levels and types of education and upbringing, efficient cooperation with family by inclusion of parents, that is guardians for a successful achievement of the set goals of education and upbringing, various forms of cooperation with the local community and wider social environment in order to achieve a full harmony between individual and social interest in education, upbringing and other thing.

A special significance, in terms of exercising rights to education of children on the move in the Republic of Serbia, have provisions of article 6 according to which foreign nationals and stateless persons have the right to education and upbringing under the same conditions and manner prescribed for the citizens of the Republic of Serbia.

Law on Foreigners⁵⁴ regulates conditions of the entry, movement and stay of foreigners as well as competences of the state administration authorities with regards to this (Article 1).

Provisions of Articles 49 and 52 that define conditions for the stay in Shelter are important for the purposes of the analysis of availability and quality of services provided in Serbia to various groups of children on the move. The Shelter is intended for those who do not have an entry approval or who are expelled or removed from the state but cannot be expelled forcibly, whose identity has not been determined or who do not have travel documents as well as others under intensified

53 Law on basis of education, "Official Gazette of the RS", no. 72/2009 and 52/2011
54 Law on Foreigners, "Official Gazette of the RS", no. 97/2008

police supervision. A foreign national with health or other special needs shall be provided with another appropriate accommodation.

In terms of minor foreign nationals, the law addresses them in Article 52 that regulates their accommodation in the Shelter as well as participation of guardianship organs with regards to this matter and it forbids the return of a minor foreign national to the country of origin or a third state which is ready to accept him until he is provided with an adequate reception. Furthermore, minors, children separated from their parents or guardians, in the procedure of forced separation have to be treated as persons with special needs and they should be treated with a special care due to the specificity of the situation in which they found themselves.

For the first time, the attention of the legislator is focused on the issue of foreigners – victims of human trafficking, that is the issue of their remaining in the territory of the Republic of Serbia as well as ensuring basic life needs. Namely, a foreigner who is a victim of human trafficking shall be approved a temporary residence in Serbia, and if the foreigner does not have resources for support, he shall be provided with an adequate accommodation, food and basic living conditions (Article 28, paragraph 4). However, in order to implement this kind of protection, it is necessary for it to be justified by the interests of criminal proceedings for criminal offense of human trafficking.⁵⁵

The law prescribes that provisions of the UN Convention on Stateless Persons (1954)⁵⁶ shall be applied to stateless persons, if this is more favourable for them. Administrative assistance, public assistance, social insurance and public education can be regulated in accordance with the Convention.

Law on Asylum⁵⁷ potentially encompasses different categories of children on the move, and because of this, and because of more precise defining of the procedures it offers, this law can be regarded as highly relevant for exercising the rights of the children on the move. The law, among other things, defines terms asylum, asylum seeker, refugee.

55 Galonja, A., Jovanović, S., *Protection of victims and prevention of human trafficking*, Joint programme of UN- HCR, UNODC and IOM for fights against human trafficking in Serbia, Belgrade, 2011, pg. 21–22

56 Convention on the status of stateless persons – UNHCR, 2011. 8 Oct. 2012, <http://www.unhcr.rs/media/54ConventionStatelessnessSerbian.pdf>

57 Law on Asylum, Official Gazette of RS, No. 109/2007

Article 15 regulates the implementation of principles of providing care for persons with special needs: care shall be taken in asylum procedure of the specific situation of persons with special needs such as minors, children separated from parents or guardians, single parents with minor children, and persons who were subjected to serious forms of psychological, physical or sexual violence.

A special principle for an unaccompanied minor and a person without legal capacity who does not have a legal representative is also defined. They shall be appointed a guardian, who shall be present in the course of the interview (Article 16), by the guardianship authority before the submission of the asylum application. This law defines an unaccompanied minor as a foreigner under 18 years of age and who is not or has lost a company of parents or guardians upon entering Serbia.

Bearing in mind the research focus presented in this publication, significant law provisions pertain to formation of specific institutions and institutes, such as the Asylum Office, Asylum Commission and Asylum Centre (during a procedure and if necessary, a person seeking asylum has the right to stay in the asylum centres in which clothes, financial assistance and other things are ensured).

In terms of procedure for granting asylum, a foreigner may orally or in written state his intention on seeking asylum before the authorized officer of the Ministry of Internal Affairs (MIA), that shall be recorded, and a foreigner shall be instructed to the Asylum Office, that is the Asylum Centre. Article 25 prescribes that before the submission of an asylum application, a foreigner shall be informed on his/her rights and obligations, especially on the rights to residence, a free interpreter, legal aid and access to UNHCR.

A person seeking asylum and a person granted asylum has the right to health protection of foreigners, right to free primary and secondary education and right to social assistance. A reunion of a family is the right of the person with granted shelter, subsidiary protection and temporary protection in accordance with the regulations.

The Law on Refugees⁵⁸ defines refugees as persons who “due to events that occurred in the period of 1991 to 1998 became refugees or displaced persons from

58 The Law on Refugees, *Official Gazette of RS*, No. 18/92, *Official Gazette of RSY*, No. 42/2002 – Decision of the FCC and *Official Gazette of RS* No. 30/2010

the former Yugoslavian republics and took refuge in the territory of the Republic of Serbia, and who cannot, either due to a fear of persecutions or wish not, due to discrimination, to return to the territories from which they fled, including persons who opted for integration” (Article 1). Most of the law pertains to the process of integration, which was expected, having in mind the period that passed since the last persecution recognized by the law (1998). The law does not define precise norms for the children refugees, except for ensuring minors without parental care, an accommodation in a social protection institution, other forms of social protection as well as for a family, in accordance with an appropriate decision of the Centre for Social Work (Article 8).

The Law on Ratification of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation⁵⁹ presents the confirmation of the homonymous **Agreement** dated 2007. The Law and the Agreement pertain to persons who do not fulfil the requirements for entering, residing or settling in the territories of member states and in Serbia and bilateral protocols of readmission are a precondition for this general protocol with the EU. All persons having this status should be admitted to Serbia without further formalities, based on this document that holds form models for persons in readmission process. Serbia is also a destination of readmission for persons that, under the SFRY, resided in Serbia. The procedure starts with issuance of the readmission request, that among other things, holds information on the person, a photo, statement on the necessary health care and other type of protection. The act of returning the persons, within the framework of the law, occurs in 3 months with a possibility of prolongation by the state filing the request. Transfer details are agreed upon in advance, and the transport can be by air or land.

Law on Protection of State Border⁶⁰ does not have special provisions pertaining to children. It does not stress specific procedures that should be used when a child or a minor is crossing the border.

The **Criminal Code**⁶¹ recognises human trafficking in Article 388 as procuring, transport, transfer, sales, buying, mediating in sale, hiding or holding another person with intent to exploit such person’s labour, forced labour, commission

59 The Law on Ratification of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation, *Official Gazette of RS, – International Agreements*“, No. 103/2007

60 The Law on Protection of State Border, *Official Gazette of RS*, No. 97/2008

61 **61** Criminal Code, *Official Gazette of RS*, No.. 85/2005, 88/2005 – correct., 107/2005 –correct., 72/2009 and 111/2009

of offences, prostitution or other kind of sexual exploitation, mendacity, pornography, establishment of menial relationship or similar relationship, for removal of organs or body parts or service in armed conflicts. The act of committing the crime is recruitment, transport, transfer, sales, buying, acting as intermediary in sale, hiding or holding another person in one of the following manners: under a force or a 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. *A complete protection of minors, harmonized with the international standards, is ensured in cases when a certain action, that presents an action from the criminal offence of human trafficking, is inflicted on them, and no relevant manner of execution has been used (force, threat, deception and similar)*⁶².

Trafficking in children for adoption is defined in Article 389 as buying, selling, handing over or hiding person under the age of 16 for adoption that is against the existing regulations.

Pursuant to Article 390, enslaving another person or places a person in similar position, buying, selling handing over to another or mediating in this, inducing another to sell his freedom or freedom of persons under his support or care, is a criminal offence of holding in slavery and whoever commits the offence against a minor shall be punished by imprisonment of five to fifteen years, The law also pertains to transport of a minor in slavery or other similar position from one country to another.

The Law on Juvenile Delinquents and Criminal Protection of Juveniles⁶³ determines a procedure in terms of juveniles who are perpetrators or minors who suffered from a criminal offence. It prescribes special provisions on the protection of minors damaged by criminal acts of adults such as procuring, enabling sexual relations, intermediation in prostitution, human trafficking, trafficking of children for adoption, enslavement and transport of enslaved persons. Those included in the process – attorneys, Public Prosecutors, investigating judges, panel judges, specialized officers of Internal Affairs organs, have to have knowledge on the rights of the child and criminal protection of minors. In order to prevent consequences that might be damaging for the minor, a psychologist, an education counsellor or some

62 Galonja, A., Jovanović, S., op. cit., pg. 16

63 The Law on Juvenile Delinquents and Criminal Protection of Juveniles, *Official Gazette of RS*, No. 85/2005

other expert can be included in the hearing process of the minor. A hearing can be performed in his/her apartment or special premises, with the expert's help, without other participants in the process.

Strategic Documents, Action Plans and Protocols

National Plan of Action for Children⁶⁴ (2004, hereinafter: NPA) is the umbrella document by which the Serbian Government has defined the country's policy for children in order to protect and promote their rights until 2015 within seven priority fields – poverty reduction, quality education for all children, better health for all children, promotion of the status and the rights of children with disabilities, protection of children without parental care, protection of children from being abused, neglected, exploited and from violence, and strengthening the national capacities in solving the problems children face.

The Plan notes that the poverty-related problems affect a large population of children and that the “obstacles to quality life” are also mirrored in the violation of many rights. In the context of children on the move, it is important that, apart from children from families in which poverty, including exposures to risk, are transferred trans-generationally (especially with regard to Roma children), NPA also recognizes “new” poverty to which the families of refugees and displaced persons are exposed. The following are the specific objectives in this area: support to children and their families who live below the poverty line, access to and efficiency of public services for children and the development of systematic and preventive strategies.

Furthermore, within the scope of the sixth priority – protection of children from abuse, neglect, exploitation and violence, among other things, children from families with disturbed relationships, children in conflict with the law, victims of war, refugees and displaced children and ethnic minority children (Roma in particular), are referred to as especially vulnerable children.

As specific goals, NAP also defines a better knowledge of experts, lay persons and children themselves, about the rights to protection, establishment of an operational multi-sectoral network for child protection and adoption of overall strategy for protection of children from all forms of abuse, neglect, exploitation and violence.

64 National Plan of Action for Children, http://www.mpn.gov.rs/resursi/dokumenti/dok45-srp-Nacio-nalni_plan_akcije_za_decu.pdf

Following NPA, the **National Strategy for Prevention and Protection of Children against Violence**⁶⁵ was adopted in 2008, binding Serbia to implement the measures protecting children from all forms of violence. As particularly vulnerable group, this document also recognizes children from poor families, Roma children, refugees and displaced children, children subjected to readmission (children-returnees), children separated from their parents. The Strategy underlines the importance of coordination and networking of various sectors, services and institutions, including recording of cases of violence against children by the Republic Institute for Statistics, Institute for Health Protection of Mother and Child, Ministry of the Interior and judicial authorities. The Council for Child Rights of the Government of the Republic of Serbia plays a coordinative role in the protection.

Furthermore, the system of protection against violence has been developed by the 2005 **General Protocol for Protection of Children from Abuse and Neglect**⁶⁶. The Protocol makes a distinction between physical, sexual and emotional abuses, neglect and exploitation, and constitutes a fundamental mechanism used in the procedures for their prevention. Emphasising the need for the inter-sectoral work, it also notes the fact that the child protection is a uniform process involving various systems. Centre for Social Work, being the basic service for protection and the guardianship authority, coordinates the protection process. The procedures for the assessment of suspicion about the existence of abuse and/or child neglect and protection measures involve the following: **1) recognition of abuse and neglect, 2) reporting to the relevant authority/service, 3) assessment of risk, condition and needs of the child and his/her family 4) planning of child protection services and measures.**

Apart from the measures for family-legal protection taken by the Centre (temporary guardianship protection, provision of accommodation, instigation of legal proceedings, deprivation of parental rights and other), protective measures taken by other community services may also be taken (medical, legal and similar). Prompt intervention shall be taken in case that life and health of a child are directly threatened or if there exists a reasonable cause to believe that if the measures are not taken urgently, they will be jeopardised seriously. The service that was first to contact the child reports to the Centre covering on whose territory the child's place of residence is or to the closest Centre on whose territory the child happened to be. The case will

65 The National Strategy for the Prevention and Protection of Children from Violence, "Official Gazette of RS", No. 122/2008

66 The Government of the Republic of Serbia, General Protocol for Protection of Children from Abuse and Neglect, **Government's Conclusion 05 Number: 5196/2005 of 25 August 2005

be closed if the evaluation proves that the child's environment is safe and that there exist the circumstances adequate for the child's further development.

The supporting special protocols on conduct which further specify and regulate internal procedures within individual systems and institutions – in the social protection institutions (2006), police (2006), educational institutions (2007), healthcare system (2009) and judicial authorities (2009), have been produced. The protocols which are particularly important for children on the move – are those referring to police and social work professionals.

The Special Protocol on the Conduct of Police Officers in Protection of Minors from Abuse and Neglect (2006/2011/2012) has defined the protection role of the police, with a special emphasis on importance of recognising the cases, adherence to the conduct procedures and coordination with other actors participating in the protection system. The police is obliged to immediately intervene in all situations in relation to which it has established that an underage person is at risk or could be at risk.

Without delay, the police shall inform the guardianship authority of all cases of abuse and/or neglect. The Protocol also defines the conduct procedures, especially when the police directly, indirectly or self-initiatively finds that there exists a criminal offense, that is, minor offense to the detriment of a minor.

The general protection measures includes, among other things, urgent and careful actions, informing the child of his/her rights in a manner adequate to the child's age, characteristics and experienced fear, involvement of specially trained officers only, documenting the case and signs of the injury, etc.

The Special Protocol for Protection of Children in the Institutions for Social Protection from Abuse and Neglect (2006) pertains to the institutions for placement of children without parental care, institutes for child and youth care and education, reception stations, and it is binding for all employees and associates in these institutions. The Protocol defines the roles of three types of expert teams participating in the protection process – internal team within every institution, external team (the duties of which are being performed by the child protection team from the Centre for Social Work) and the team maintaining the central recor-

ds, established by the competent Ministry and entrusted with keeping records at the level of all institutions. The procedure, communication and the work procedure of the internal and external team have been defined and adherence to the principles of protection of the child's interests, that is, giving preference to the interests of the child over the interests of parents, guardians, social protection institutions or community have been emphasised.

The 2006 Strategy for the Fight against Human Trafficking⁶⁷ provides the guidelines for further development of the national framework for the fight against human trafficking in five areas: institutional framework, prevention, assistance, protection and reintegration of victims, international cooperation and monitoring and evaluation of results.

One of the first-area goals is to upgrade the National Referral Mechanism by way of cooperation formalisation through protocols of various governmental, non-governmental and international actors, continuous review of various actors' activities in this area and allocation of funds for the implementation of specific activities. Within the Strategy's third area, the following has been recognised: the need to improve the victim identification process through further education and capacity building of actors being in contact with the victims, prevention of secondary victimisation and the development of a long-term protection and reintegration programmes which, among other things, also include continued education and finding of adequate accommodation.

The Strategy does not particularly address the issue of prevention, protection and reintegration of children as particularly vulnerable group being at a higher risk of human trafficking.

The Strategy is further made operational by the **National Action Plan to Combat Human Trafficking** (2009–2011)⁶⁸. In the area of prevention activities, that is, reduction of the risk factor, the defined objectives refer to the improved social and economic conditions of the groups at risk and the development of specific programmes in that area to strengthen women and children in this target group.

It is stated that some of the objectives in the area of assistance, protection and

67 Strategy for the Fight against Human Trafficking, "Official Gazette of RS", No. 111/2006
68 National Action Plan to Combat Human Trafficking, 2009 - 2011, "Official Gazette of RS", No. 35/2009

reintegration are as follows: better identification (including self-identification), of secondary victimisation of victims by the state authorities, respect of human rights of victims by applying the international standards, promoting the criminal prosecution processes and sanctioning the perpetrators and, finally, by developing long-term protection programmes which include psychosocial support, continued education, provision of accommodation, etc. Like the Strategy, the Plan also failed to pay special attention to children – victims of human trafficking.

Strategy for Reintegration of Returnees based on the Readmission Agreement⁶⁹ addresses some of the specific problems faced by children in the readmission procedure. The measures proposed to normalise the life of returnees primarily refer to building their capacity for new life circumstances. More specifically, it foresees the measures pertaining to getting new identity documents, accommodation, social protection, health, employment, education and similar. In this group, children – returnees who were born in Serbia but have not been entered into the Register of Births and children born abroad and also not entered into the Register of Births are particularly recognised.

The Strategy recognises the children without parental care as especially vulnerable group, that is, as those exposed to special risks due to insufficient coordination and exchange of information between the EU countries and Serbia, which most frequently results in incomplete data on these persons. With regard to education, their lack of language knowledge and the Cyrillic alphabet have been noted more specifically. Therefore, within the measure of building the returnees' capacity for independent life and life on an equal footing, it is planned for the Serbian language teaching programme to be conducted as a required activity, including harmonisation of the foreign-degree validation system and the possibility to exempt the returnees from paying fees.

⁶⁹ Strategy for Reintegration of Returnees based on the Readmission Agreement, "Official Gazette of RS", No. 15/09

4. CHALLENGES IN EXERCISING THE RIGHTS FROM THE PERSPECTIVE OF CHILDREN ON THE MOVE

This chapter offers the perspective of the children on the move on how they look at their rights and various situations in which they are prevented from exercising these rights or in which their rights are being violated. The children's experiences indicate that the violation of the rights is an important factor of migration, and that it is actually the basic cause of leaving the place of residence and the key problem faced by many children either during their trip or upon their arrival at a new destination. What proved to be characteristic for all children who participated in the research is their knowledge and understanding of their rights, and their experiences and thinking undoubtedly indicate the existence of challenges in exercising the rights of the children on the move in various situations and circumstances.

We are going to analyse the challenges in exercising the rights of the children on the move through the prism of the foundation principles of the Convention on the Rights of the Child, and specific rights the children recognised to be particularly important in the process of migration. Such approach enables us to consider the rights in their interdependence and unity, and the children's experiences in a wider context.

The right to non-discrimination

Non-discrimination (Article 2) constitutes the fundamental principle for the implementation of the Convention on the Rights of the Child and guarantees that all children will be able to enjoy their rights without discrimination on any ground. The State's responsibility lies in its active work on prevention of all forms of discrimination and in ensuring the conditions for the exercise of the rights of all children within its jurisdiction – including the children – refugees, migrants, asylum seekers..., regardless of their citizenship or migrant status. The principle of non-discrimination pertains to the implementation of all rights. With regard to this principle, it is worth noting that the Convention on the Rights of the Child recognises especially vulnerable groups of children and points at the need that these children should receive additional support in exercising their rights.

The non-discrimination principle is particularly important for children on the move because these children often face various forms of discrimination – from the *de jure* and *de facto* system discrimination to discrimination by their immediate environment, including racism and xenophobia. This is also substantiated by the findings of the research conducted with the children.

Children who are asylum seekers in Serbia point at the fact that discrimination in terms of exercising their rights is often based on these children's status in the migration process. According to the children's experiences, their possibilities to exercise their rights are directly conditioned by the manner in which this status has been regulated in a certain country, and the measures foreseen by the system aimed at exercising the special protection of the rights of the children on the move. The children note that there are considerable differences in the approach to the right and the quality of the existing services. The countries in which these children stayed during their travel, basically provided accommodation and food for them, including the basic health protection, while the possibilities for exercising other rights were limited. The children noted that a special problem they faced in the countries of their temporary stay pertained to their impossibility to exercise their right to education.

Ensuring equal access to the rights, particularly social, economic and cultural, largely depends on the state politics and the economic standard as well. This fact is a significant trigger for migration of children and families from Serbia to the West European countries. The children who participated in the research emphasised that, upon arrival in the destination country and acquiring the status of the asylum seekers, they were enabled to exercise the social-economic and cultural rights which meant a better life for them, compared to that they had in Serbia. Experiences of children who were asylum seekers in Norway and Sweden reveal the highest standards in the exercise of the children's rights in accordance with the principle of non-discrimination.

The research conducted with children travelling within Serbia indicate that the access to the rights of these children is often limited, which also refers to the most basic rights. This particularly affects the children without personal documents due to which they are legally "invisible" while, at the same time, there are no institutional mechanisms to secure them to exercise their rights and to be protected when their rights are violated. Children clearly point at the system failures with regard to the most vulnerable groups of children, particularly those involved in the street life and work and children from the most vulnerable Roma families.

Children on the move most often need additional support to become covered by the social and health protection system services and to be included into the education system. This support may consist of provision of the required documents,

assistance in the procedure for the access to a certain service, assistance in overcoming the language barriers which the migrant children and their parents often face... According to a large number of children who participated in the research, they began to exercise their rights only when non-governmental organisations in whose programmes they were involved supported them. Most of these children expect support only from the non-governmental organisations.

One more problem children mentioned to be considerably affected with is the problem of discrimination they face in their immediate environments. Roma children in particular insist on this problem stating the examples which undoubtedly show that they are exposed to discrimination at the street and in the communities in which they live, at school....., by both the professionals they contact – police, healthcare workers and teachers, as well as their peers and adult fellow-townpeople. All Roma children who stayed in the countries of the Western Europe talk with enthusiasm about “discrimination of Roma people being truly forbidden over there”.

Many children note that they are also exposed to discrimination because of poverty and their living conditions, particularly by their peers at school, and they also talk about the problems with reintegration at school and with finding new company upon their return to Serbia.

The right to the best interest of the child

Best interest of the child (Article 3) is one of the key principles of the Convention on the Rights of the Child which highlights the obligation of the State to ensure that all activities affecting children should be made in their best interest, regardless of whether they are taken by the social welfare institutions and organisations, courts, administrative or legislative bodies. The best interest of the child should be of primary importance in making decisions and taking activities affecting either every child individually or certain groups. The principle of the best interest of the child is a general principle which, in its widest sense, leads to the child welfare.

Except for highlighting the fundamental values and principles, the Convention on the Rights of the Child does not provide more specific guidelines for defining the best interest of the child, due to which the adherence to this principle depends on

the capacities of the decision-makers to interpret and apply it in the conditions of the existing practice in which the systemic solutions are not often based on this principle. In order to define the best interest of the child, it is necessary to take into account the situation of any individual child – his/her vulnerability and resilience, the need for protection, developmental needs, including education, culture, language.....Determination of the best interest of the child requires a comprehensive analysis of the situation and circumstances of the child, wherein it is necessary to take into account the child's perspective.

The issue of determination of the best interest of a child in the process of migration is particularly sensitive and complex, because of plenty of factors which should be taken into account, particularly when it comes to the international migrations.

Almost all children who participated in the research believe that their parents' decision to leave the country, that is, their place of residence was in their best interest. Several children stated that, although at certain points of their travel they thought that their parents' decision was not the best solution, now, when they look into their overall experience, they believe that a decision on migration was actually the only one their parents could have made to secure better conditions for their lives. All children, even those who were not consulted in the process of making a decision on migration note that their parents rendered such decision acting in the best interests of their children.

On the other hand, when they talk about the decisions which were not made by their respective families but by the representatives of authorities or professionals working in the child protection services, a large number of children state that those decisions did not take into account their best interest. This primarily refers to the decisions on deportation or return to a safe third country in cases where children crossed the borders during the migration process, and to the decisions on forceful displacement in case of children migrating within the borders of one country. The children believe that their best interest was not taken into account in the process of making such decisions and note that, in the decision-making process, they did not have an opportunity to express their view of the solution to be in their best interest. Children's experiences show that the decisions made caused the violation of other rights.

The right to life, survival and development

Article 6 is one of the fundamental principles of the Convention on the Rights of the Child and it guarantees to every child the right to life, survival and development. This principle notes that the right to life, being the fundamental right, implies not only physical survival, but the right to development until the child has reached their full capacity, in which process the child's reaching his/her full capacity depends on the holistic implementation of all articles of the Convention. In case of the children on the move, the right to life, survival and development is one of the most sensitive rights.

All children who participated in the research stated that their parents and/or they themselves had decided to leave their place of residence so as to secure a "better life". In their minds, a better life most often means a safe environment, best living standards, inclusion in education, playing and activities with their peers, their own development and a feeling of their personal welfare.

Children from Afghanistan and Somalia state that the migration phase when they are half-way from their unknown final destination brings relief because they fled from the war circumstances in which their lives and lives of their family members were threatened. Children emphasise that that was their "first step" to a better life. They hope to find a country which "will accept" and enable them to exercise their right to full development soon. However, the travelling itself imposes a range of life threats on these children. A large number of children, and particularly those who travel using illegal channels testify about unsafe ways of travelling, armed attacks on the groups of migrants, including children, hardships on their route, arrests of both parents and children, separation from family, about cases of various forms of exploitation, and about constant fear from smugglers and human traffickers. While travelling, children experience the lack of food and water, and they often do not have even the basic healthcare.

Children included in the readmission process who spent some time in the country of their dreams prior to being deported to Serbia, emphasise their feeling of "safety" while staying in the countries of the Western Europe. The children evaluate the quality of life they lived there as being "much better", even "incomparable" to the quality of life they have in Serbia. However, perhaps it is even more noticea-

ble that all of these children note that they felt to have a “perspective” and “much larger chances for progress” abroad. When talking about their experiences, many children refer to the importance of the adults’ role, teachers and social workers in particular, in providing support and assistance in monitoring their progress while being abroad. It clearly follows from the children’s experiences that the right to development is conditioned by the access to economic, social and cultural rights, as well as the rights to education, playing and free time, which the children especially referred to.

On the other hand, experiences of children who migrate with their families or alone within the borders of one country seeking for a better life a far more pessimistic in terms of their belief that the migrations can secure a better life for them. Affected by severe poverty, children often move in pursuing for better opportunities for earning some income. However, according to these children, the moving in itself does not often result in a better quality of life. These children do not often have their civic-legal status regulated and they therefore do not have access to health and social protection and education: they live in illegal settlements and are involved in the street life and labour. From their early childhood they assume the adults’ role – they support their families or participate in earning income for their families or take care of their siblings. If they get separated, they support themselves. The children state that most of their time they spend on the street and without being adequately supervised by adults, which makes them exposed to various risks of violence and different forms of exploitation.

The importance of the right to life, survival and development is actually reflected in the fact that, hoping to secure a better life, all of these families and children made a decision to migrate regardless of the risks associated with it and the possibility of failure.

The right to participation

The recognition of the child as a holder of the rights and active actor in his/her own life is explicitly and implicitly expressed in several Articles of the Convention on the Rights of the Child. Article 12 is one of the key Articles defining the right of the child to express his/her opinion. According to this Article, the child has the right to express his/her opinion in all situations and procedures affecting him/her and the right for his/her view to be respected. This will serve as the ground for both legal and social status of children – although they do not have autonomy as adults, children are holders of their rights. The right of the child to be involved in exercising his/her rights, that is, the right to participation¹ is one of the fundamental principles of the Convention. The States parties are obliged to enable the child to express his/her view in all situations affecting the child.

Children have the right to participate in making decisions affecting their lives – in the family, within the social and health protection services, at school, local community..., as well as in the development of the policies affecting children at the national as well as international level.

By this right, the value of the child's perspective in the decision-making process has been recognised. In the personal area, the child is enabled to contribute to understanding and respect of his/her best interest, to point at the neglect and violation of the rights and take measures to promote and protect his/her rights. On the other hand, the children's potentials to be active citizens who contribute to their environments are also recognised. For this reason exactly, the child's participation should not be disregarded in making policies that affect children and in developing the services and programmes intended for children.

The right to participation is particularly important for children in the process of migration within which a range of decisions is being made to considerably affect the life of the child. This fact is highlighted by all children who participated in the research. Unfortunately, a large number of them note that they were not informed, asked or anyhow involved in the decision-making process.

¹ Instead of the term *the right to participation*, the term of *the right to taking part* is also used

Almost all of the children explain that they do not have a decisive role in making decisions on migrations. Although most of them state that their parents explained to them the reasons for leaving their place of residence and asked for their opinion, they believe that their opinion could certainly not change a decision made by their parents. Only two of older children² who travelled unaccompanied stated that they themselves had made a decision to migrate.

On the other hand, children note that they themselves, but their parents also, do not often have information on what awaits them in the journey or upon arrival at some destination, which considerably make their decision rendering more difficult. Children who travelled unaccompanied also state the situations in which they were not informed about certain procedures and decisions made “in their case”.

All children who participated in the research believe that it is important to secure that their voice is “heard” in the process of making decisions pertaining to border controls, deportation, asylum seeking or forceful displacement, by which the decisions would be made in their best interest. However, their experiences are quite different. None of the children travelling with their parents was consulted in making the referenced decisions. Children who travelled unaccompanied state that they were “asked” about their experiences, but not for their opinion.

The children recognise that they should be consulted about the services and programmes intended for them. According to them, this would make the service consistent with their needs and they would be more motivated to become involved. A certain number of children involved in the programmes of non-governmental organisations talk about their positive experiences in participating in the process of making decisions affecting their protection and development.

All of the children consulted in this research undoubtedly noted the importance of the right to participation and the need for the children on the move to be provided with the opportunity to express their opinion and take part in making decisions. Children highly regarded their participation in the research, considering it a possibility to talk about their experiences and views and to contribute to securing better conditions for the exercise of the rights of the children on the move.

2 2 16 and 18 years of age

The concept of the child's participation is connected with the concept of the child's evolving capacities, under which the child is a holder of his/her rights, while the responsibility for guiding the child in accordance with the child's evolving capacities lies on his/her parents and other guardians (Article 5).

Finally, it is important to be mindful of the fact that migration considerably affects the child. During the journey, these children, unlike their peers, assume many roles and responsibilities, acquire experiences which influence their understanding and attitude towards themselves and the world and become more mature. According to these children, the experienced migration changed them and they usually say that they "grew up" during the journey. Unfortunately, these children's experiences and maturity are not often recognized and respected in the process of making decisions that affect them.

5. THE PHENOMENON OF CHILDREN ON THE MOVE

Children on the move in Serbia – the term and dimensions of the phenomenon

Term

It has already been shown that there is no generally accepted definition of the concept of *children on the move*, and that various organizations engaged in the area of the protection of/advocacy for the rights of the child describe differently the frameworks for the protection of this group or, more specifically, the groups of children. Thus, the *Global Movement for Children* describes the concept as the umbrella definition for persons under the age of eighteen who have left their place of habitual residence and are either on the way towards a new destination, or have already reached such destination¹. The *move* itself has been described as:

- across State borders or within countries
- a seasonal or more permanent
- voluntary or forced;
- and *children on the move*, as:
- accompanied by parents, peers or others, or not
- for instance: internally displaced persons, asylum seekers and refugees, migrants, trafficked persons or child soldiers.

More specific than the definition provided by the *Global Movement for Children*, *Save the Children*'s definition of "children on the move" includes, but is not limited to, the following groups of children: refugees, internally displaced persons, asylum seekers, irregular migrants, trafficked persons, children who live and work on the street, returnees on the basis of the readmission agreement.

Considering the specific exposure of this group/these groups of children to the risks during the journey, it is not unusual at all for these children to be identified in several categories – internally displaced children may be smuggled for exploitation, and similar. Thus, the risks of exploitation for various purposes may depend on the transportation route and conditions under which the children set off on a journey.

¹ For more information, see: <http://www.gmfc.org/en/action-within-the-movement/gmc-actions/actions-by-imper-atives/other-campaigns-a-actions/current-actions/90>

Regardless of a partial agreement on the idea that the move as such makes children more sensitive to the violation of their rights, we would like here to chose a specific approach which is common to all respondents from various institutions and organisations from the Republic of Serbia, who have experienced direct work with children and/or making policy in the area of child protection: earlier socio-economic characteristics of the child's family, possible violence in primary family, circumstances of taking a trip, including the presence of parents/guardians, that is, their absence, and living conditions and integration policy and other, will much more influence the possible risks to the child than the fact that the child travels/migrates trans-nationally or internally. In order to clarify the presented thesis according to which the *move* itself does not necessarily have to play an important role in the child's vulnerability to exploitation and/or other forms of violation of the rights, it should be noted that children from some of the referenced subgroups are as often as not exploited/neglected in their permanent place of residence (children who live and work in the street, trafficked children).

Anyhow, in the light of the international predictions about the large-scale population dynamics produced by the demographic factors, economic disparities, violent conflicts and dissolutions of countries, catastrophes, climatic changes and social exclusion, this analysis of systemic responses to the problems faced by the children on the move in the Republic of Serbia and, more specifically, the responses of the systems of social welfare and protection of children-victims of criminal offenses strives to offer thorough insights into the system adequacy in general and possible directions of progress relative to the observed trends.

The foregoing claims are also supported by the findings of the focus-group and in-depth interviews. Namely, answering the question with which of the referenced groups of children they are in contact, most of the respondents stated several groups of children. Although it was noted that they predominantly work with a certain category of children, children they contact daily may often be identified in several listed categories simultaneously. More specifically, the respondents also offered their view of the most general characteristics of the groups of children with whom they were in contact from early 2008 to the end of 2011:

► **Children living** and/or working on the street, or simply, children working on the street are the beneficiaries of the Hostel (Svratište)² programme in Belgrade (a programme of the NGO Centre for Youth Integration) and Hostel for Street Children in Novi Sad. Based on the analysis of the obtained data, a conclusion may be rendered that this group of children also includes children from other listed categories – the presence of children–returnees under the readmission agreements and children involved in some other types of migration, internal or cross-border, is not insignificant as well. In the process, children involved in the Belgrade- South Serbia-Belgrade migrations are often mentioned (wherein migrations are caused by dislocations due to poor hygienic conditions and informal settlements in Belgrade, and repeated migration towards Belgrade for economic reasons), including internally displaced children from Kosovo. Therefore, these are predominantly citizens of the Republic of Serbia, with or without parents or relatives. Children who live and work on the street after running away from the Homes for Children without Parental Care and other institutions are also mentioned as a special category.

► Within the category of **children from the group of refugees and displaced persons**, the Roma children sub-category has become particularly noticeable due to being specifically sensitive to social exclusion and exploitation. The United Nations High Commissioner for Refugees (UNHCR) points at this subcategory when referring to its experiences in the work with children of internally displaced persons – either with regard to the families living in temporary accommodation arrangements or in collective centres, or children of refugees, also living in temporary accommodation arrangements or in collective centres, and notes that the majority of Roma children from the referenced groups live either in the collective centres or in illegally established Roma settlements, which makes them marginalised and exposed to violence and exploitation in several ways, that is, leads to absolute social exclusion.

► Most **children who are victims or potential victims of human trafficking** (more specifically, children at special risk of human trafficking, according to the institutions/organisations engaged in direct work with victims of human trafficking) were, at the period of time covered by the research, citizens of the Re-

² The programmes of the Centre for Youth Reintegration shall be elaborated in more detail in the following chapters

public of Serbia, and they could also be identified in all other listed categories. Children from this group are beneficiaries of various social inclusions programmes of the NGO *Atina* (Temporary House, Reintegration Centre and the Field Support Team). Apart from the NGO *Atina* programmes, children who are victims of human trafficking also receive assistance and support in the Child Reception Centres which are to secure temporary and overall care of children and youth of both sexes, aged from seven to eighteen, who are referred there by the relevant Centres for Social Work, judicial authorities and the Ministry of the Interior.

▶ **Children – foreign nationals** placed in the Institute for Education of Children and Youth in Belgrade, within the Centre for Underage Foreign Nationals unaccompanied by parents or guardians³, are most often boys unaccompanied by parents or guardians, seven to eighteen years of age.

▶ **Children – asylum seekers**, accompanied or unaccompanied by parents, placed in the Asylum Centres in Bogovađa and Banja Koviljača, predominantly came from Afghanistan and Somalia in the period of time covered by the research. Along with other civil society organisations, NGO Centre for Protection and Assistance to Asylum Seekers Actively work with these children.

³ In order to clarify the dilemmas concerning the competence and target groups of the existing institutions for care and overall assistance to children from the referenced groups, it is important to note that the Institute for Education of Children and Youth in Belgrade is the institution with the largest number of beneficiaries in Serbia. Three operational units function within the institution: Centre for providing for children living on the street, including boys and girls placed there based on the court decisions due to the committed minor offences; Centre for placement of unaccompanied minors - foreign nationals who find themselves in Serbia; and Hostel and Reception Station in Belgrade for children – victims of violence, human trafficking or those neglected by their families

Dimensions of the phenomenon

Considering that there is no centralised databases from which it is possible to obtain accurate information on the dynamics and dimensions of the phenomenon, and bearing in mind non-harmonised methodologies for data gathering, it is not possible to determine an accurate number of children on the move who needed some type of support by the social welfare system and other systems in the Republic of Serbia in the past. With this regard, an even more complex issue is the establishment of the characteristics of the phenomenon itself and possible factors causing specific vulnerabilities of various subgroups within the group of children on the move. At this point, for the foregoing reasons, available data will be presented along with the findings of the focus-group and in-depth interviews.

Taking into account the key role of Centres for Social Work in the field of child protection and their mandates as stipulated in the Law on Social Welfare⁴ and formulated in more detail in the Book of Rules on Organisation, Norms and Standards of work of Centres for Social Work⁵, the Centres, that is, the Republic Social Welfare Institute which is obliged to formulate the compiled annual reports on the work of Centres for Social Work, should be the primary source of information on the activities and the results of the measures taken in the field of social and family protection of children (including children on the move).

For a successful planning which is missing here, it is necessary that we dispose of adequate, accurate and thoroughly processed data which, again, we do not have.*

For adequate understanding of the review of data on children on the move, the beneficiaries of the social welfare system, it is important to note that the new Law, in the phase of developing and making its bylaws, also introduced changes in the field of defining, systematisation and selection of the user groups, therefore, for the group of children, data for two categories is being collected (Chart 1): user groups and especially sensitive groups of children, wherein the **user groups** consist of the following

4 The Law on Social Welfare, *Official Gazette of RS*, No. 24/2011

5 Book of Rules on Organisation, Norms and Standards of work of Centres for Social Work, *Official Gazette of RS*, No. 59/08 137/10

* In the text below, the statements of the professionals are marked with the side straight line.

1. children who are neglected or at risk of neglect
2. children victims of violence,
3. children with behavioural problems,
4. children whose parents are in dispute over how to exercise parental rights,
5. socio-financially disadvantaged children and children with other needs of social protection;

particularly vulnerable groups of children⁶:

1. children with disabilities,
2. children victims of human trafficking,
3. children members of the Roma community,
4. homeless children,
5. returnee children (under readmission),
6. children victims of international abductions,
7. unaccompanied children - foreign nationals.

Considering the changes in reporting which occurred due to the changes in the way of collection of data, harmonised the new legislative solutions, it is not possible to create a comparable review of data available to the Republic Social Welfare Institute, and 2011 data obtained from the Institute is therefore presented here.

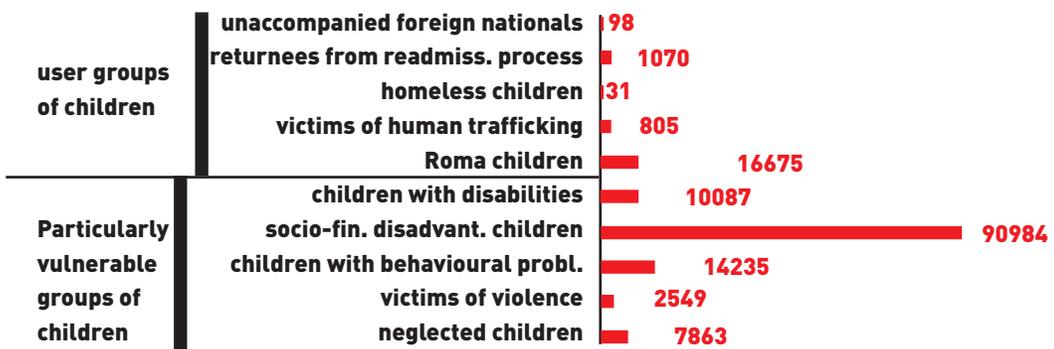


Chart 1:
Number of children – beneficiaries of social protection in 2011 (The data from the Republic Social Welfare Institute)

⁶ Report on the work of Centres for Social Work in Serbia in 2011, the Republic Social Welfare Institute, 2012

It is important to note that children marginalized in several ways are recorded under several categories simultaneously, and that the total number of children - beneficiaries of social welfare services is not a simple sum-up of users from different categories. It is stated in the Report of the Republic Institute that the *assumption based on the practical experiences indicates that the number of children with multiple aspects of vulnerability is not large*⁷, however, as mentioned above, the results of the conducted studies indicate a completely different conclusion. First of all, the respondents, as one of the factors of vulnerability of children (especially children involved in the life and/or work on the streets and children who are victims of human trafficking) state the socio-financial risk, the presence of domestic violence, in other words, neglect and abuse, and multigenerational exposure to discrimination which, in the system of data collection in the field of social protection would match the categories of: socio-financially jeopardised children, victims of violence, homeless children, neglected children and children representatives of the Roma population. Data of Centres for Social Work clearly shows that the social welfare system in the Republic of Serbia recognizes the need for paying special attention to some of the subcategories of children on the move, which is a clear sign that the years-long efforts of civil society and professionals in various fields who provide direct assistance to children from the sensitive groups, and orientation towards compliance with international standards in this area, brought visible results.

When we talk about the characteristics of children - beneficiaries of social welfare system in the Republic of Serbia, the data indicates that the majority of children who have been identified to have the need for specific support of the social welfare system belonged to the age group from six to fourteen, that is, that in all age groups boys were predominant (Chart 2).

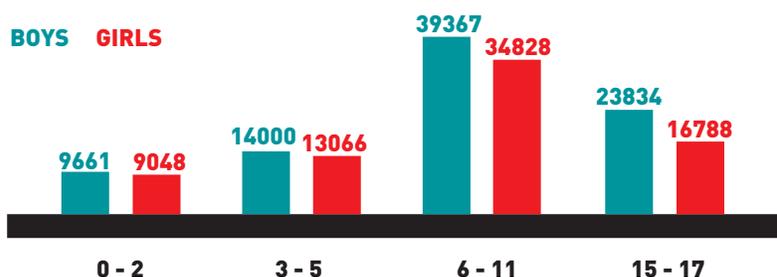


Chart 2:
Number of children in the active records of Centres for Social Work, by gender and age in 2011. (Data from the Republic Social Welfare Institute)

7 Report on the work of Centres for Social Work in Serbia in 2011, the Republic Social Welfare Institute, 2012

The difference in the number of boys and girls who were identified in the active records of Centres for Social Work - the difference in the total number, regardless of the age, amounts to - 8.2%, is surprising in particular. However, neither within the research conducted, nor from the reports of Centres for Social Work and the consolidated report of the Republic Social Welfare Institute, was it possible to get the interpretation of this data, which clearly demonstrates insensitivity of the system of social welfare in Serbia to gender-specifications of children who are beneficiaries of social protection and the need to establish a gender-sensitive protection system. The first step in this direction was certainly made in the year 2011 by introducing the gender-sensitive records which will, hopefully, result in the future in the creation of gender-sensitive programmes and practices in the social welfare system.

On the other hand, it should be borne in mind that the data of the service providers on the number of users reflects the activities conducted, and it does not provide the survey of the actual status of children in society. With this regard, at this point again it is possible to raise an issue of the attitude of the society towards gender-based discrimination, attaching importance to the needs of girls (relative to the needs of boys), that is, to indicators the professionals use to evaluate the situation of vulnerability of both.

For a detailed consideration of dimensions of the phenomenon of children on the move, the data on some of the groups of children on the move will be presented in the following text, primarily - the number of children in the period 2008-2011.

Apart from the Law on Social Welfare, the need for special care for minor asylum seekers is also recognized by the Law on Asylum⁸.

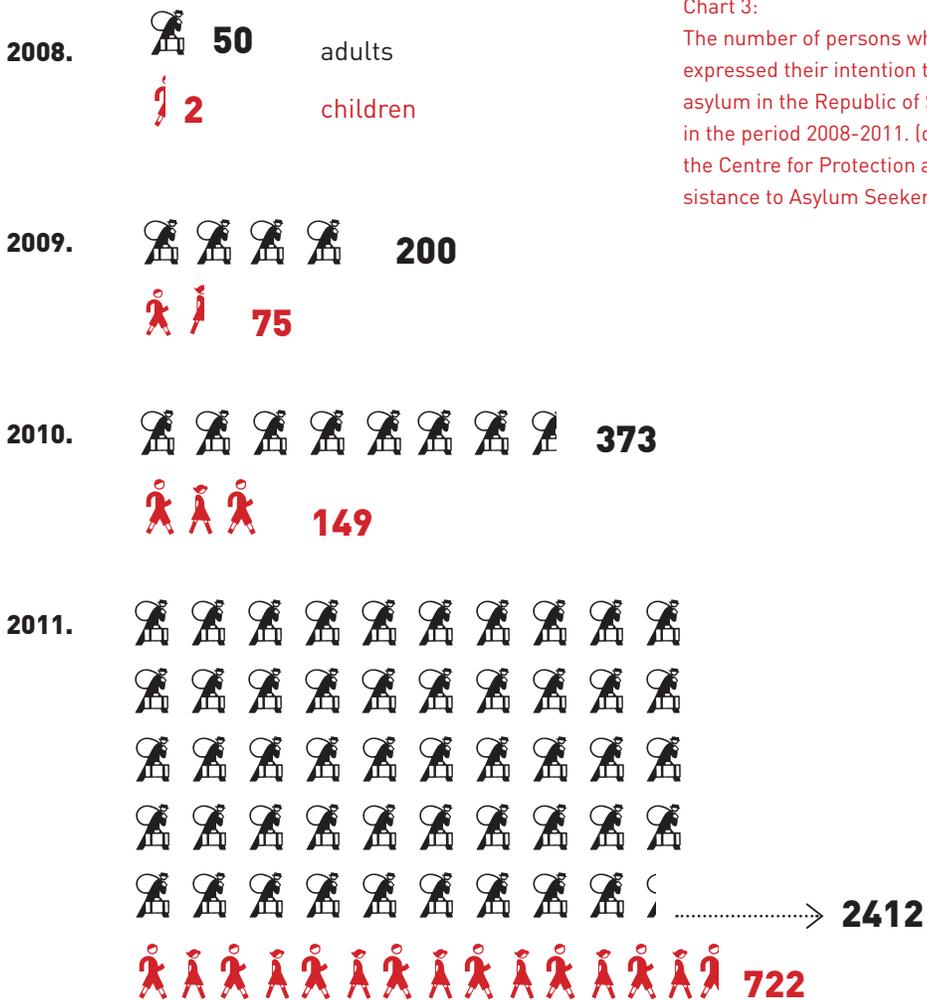


Chart 3:
The number of persons who expressed their intention to seek asylum in the Republic of Serbia in the period 2008-2011. (data of the Centre for Protection and Assistance to Asylum Seekers)

Data of the Centre for Protection and Assistance to Asylum Seekers⁹, for the period 2008-2011, shows a dramatic increase in the number of people who expressed their intention to seek asylum in the Republic of Serbia, as well as the steady increase in the number of children among potential asylum seekers. Of the total number of persons who expressed their intention to seek asylum in the same period, 23.8% were minors (Chart 3). Looking at the gender structure of children who expressed their intention to seek asylum (Chart 4), 71,2% referred to boys.

⁹ With regard to the manner of keeping comprehensive records of individuals who expressed their intention to seek asylum, the publication presents data of NGO “Centre for Protection and Assistance to Asylum Seekers,” [http:// www.apc-cza.org/](http://www.apc-cza.org/)

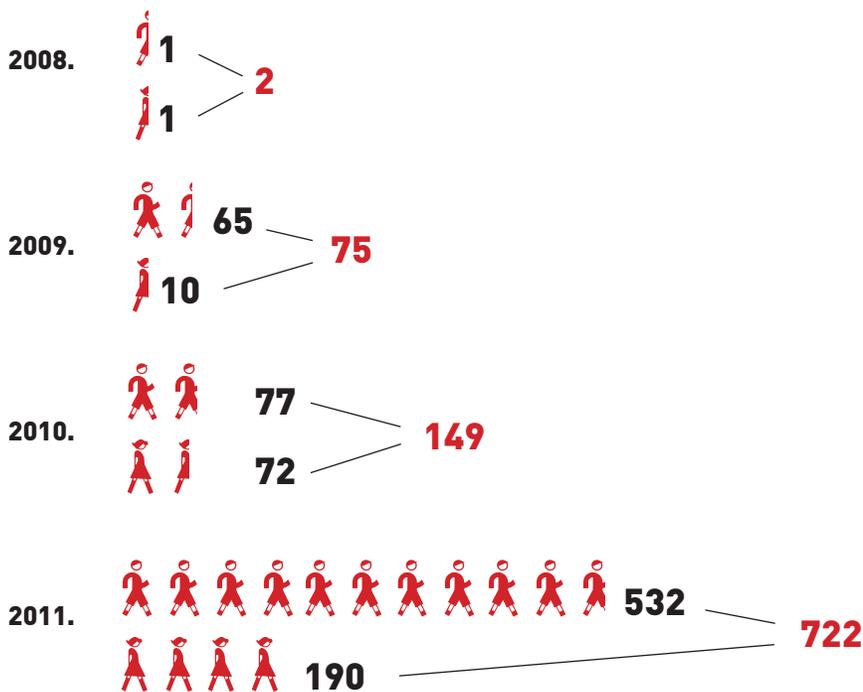


Chart 4:
The number of children who expressed their intention to seek asylum in the period 2008-2011, by gender (data of the Centre for Protection and Assistance to Asylum Seekers)

The same organization also disposes of information on whether the children in this period of time came to Serbia accompanied by their parents or relatives, or were unaccompanied by adults (Chart 5). The data is particularly important in the light of the frequently expressed position in the focus-group and in-depth interviews according to which children on the move unaccompanied by their parents or guardians are in much greater risk of exploitation and violence, compared with children who have satisfactory parental care and nursing.

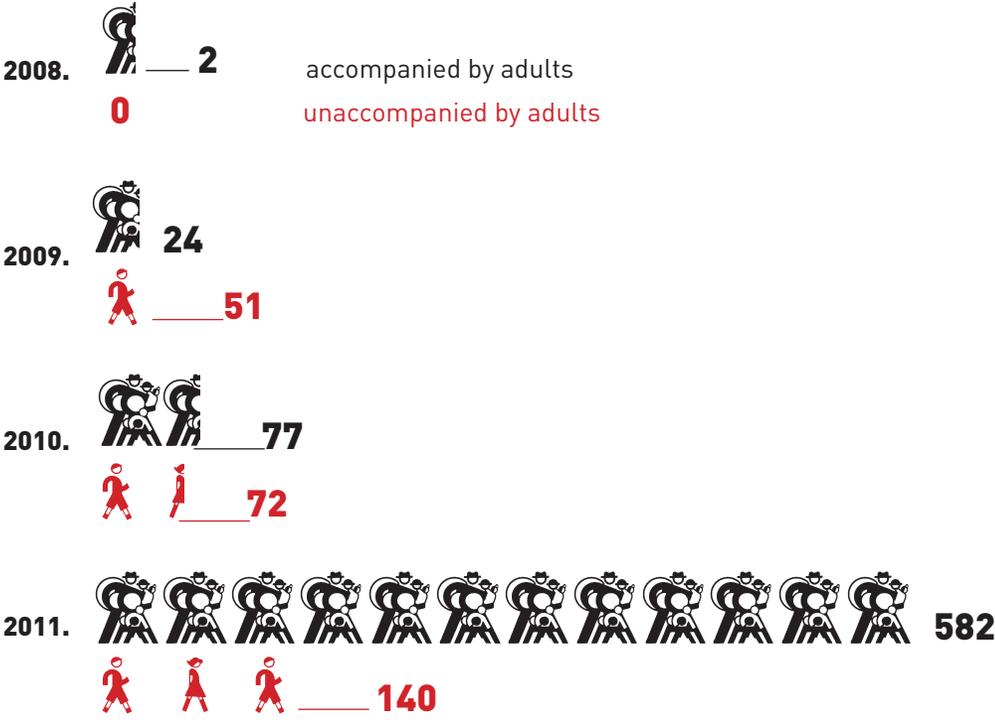


Chart 5:
 The number of children who expressed their intention to seek asylum in the period 2008-2011, accompanied or unaccompanied by their parents or relatives (data of the Centre for Protection and Assistance to Asylum Seekers)

“Over 10 years, Serbia has been actively participating in the process of readmission. The interstate bilateral agreements and the Readmission Agreement with the EU bound Serbia to receive to its territory the persons illegally residing in other countries, the countries of Western Europe predominantly.”¹⁰ According to available data of the Office for Readmission for the period 2008-2011, there were 4155 returnees under the readmission agreements, which number increases by approximately 40% every year (Chart 6).

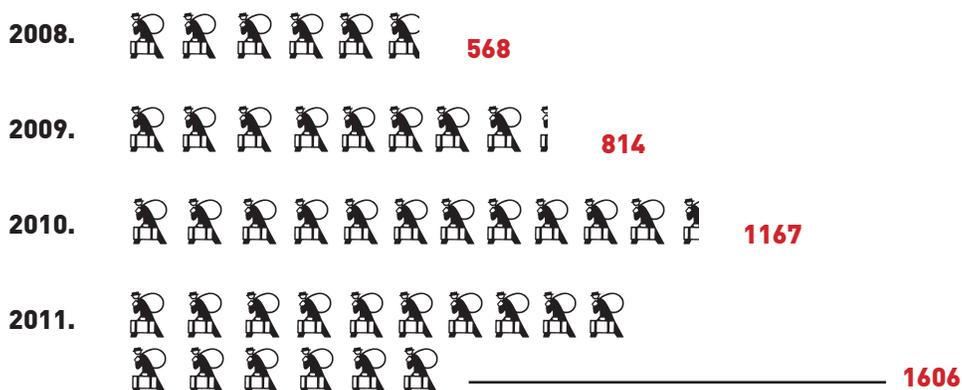
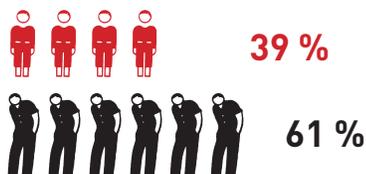


Chart 6:

The number of returnees under the readmission agreements in the period 2008-2011. [The data obtained from the Office for Readmission]

According to available data, of 1 606 returnees in 2011 in total, there were as many as 39% of returnee children in the process of readmission (Chart 7).



Grafikon 7:

The percentage of children in the population of returnees under the readmission agreements in 2011. [Data obtained from the Office for Readmission]

10 Office for Human and Minority Rights, <http://www.ljudskaprava.gov.rs/sl/readmisija>

In the group of children returnees under the readmission agreements (625 in total), girls make 47.36% (Chart 8).

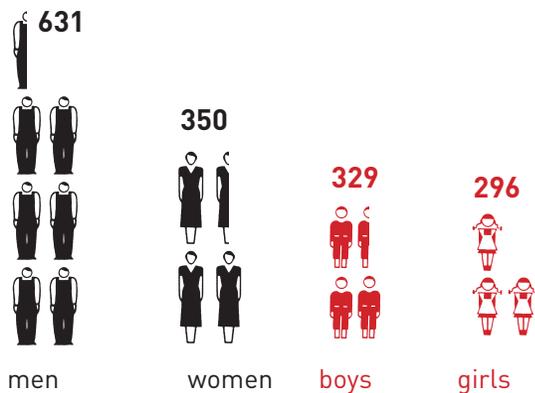


Chart 8:

Structure of returnees under the readmission agreements in 2011 by sex. (The data from the Office for Readmission)

In the light of the presented data on the number of children who use the social welfare system from the group of returnees under readmission in 2011 (1070 children, Chart 1), that is, the number of Roma children in the social welfare system (16 675, the same chart), it is important to note that of the total population of children returnees, the percentage of Roma children is as high as 88.64% (Chart 9), that is, the children from the group of children returnees under readmission are often marginalized in several ways. The research findings also lead to a conclusion that, in this particular group of children, Roma children are particularly marginalized, and it is necessary to create specific measures for this vulnerable group of children and a wide range of services should be established for their social inclusion.



Chart 9:

The number of representatives of the Roma people in the total population of returnees in 2011. (Data obtained from the Office for Readmission)

According to data of the Commissioner for Refugees, until 2010, the number of 210,148 internally displaced persons were recorded in Serbia, of whom, according to the assessment of needs conducted by UNHCR in cooperation with the Commissioner for Refugees, 97 000 persons were in social need. Of this number, as many as 74% live below the poverty line, while 39% do not have a job¹¹. **Internally displaced children** are not specifically marked as a category of users of the social welfare system, and it is impossible to estimate the number of children from this group who are in need of some sort of assistance. In any case, the focus group and in-depth interview respondents state that children from this group are represented in the different user groups of the governmental programmes, but also the programmes of the civil society organizations (for example, the children involved in the life and/or work on the street and children-victims of human trafficking), which once again points at the dire socio-economic situation of internally displaced families and children.

The situation is similar with the data relating to a group of children involved in the life and/or work on the street. Therefore, there is no accurate data on the number of children, yet it is possible to obtain information about the beneficiaries of the programmes of various civil society organizations. Thus, it was possible to learn from the Centre for Youth Integration¹² that since the establishment of the Hostel (*Svratište*) in 2007, this programme was used by 513 children and young people and, since the establishment of the Day Care Centre in 2010 - 89 children used this programme. The field work program provides services to a much larger number of children involved in the life and work on the streets. Although this group of children is given special attention in the public owing to the civil sector activities, it is clear that the system has not been ready yet to activate sufficient resources and provide adequate support to children involved in the life and/or work on the street, since it does not even have adequate data on the dimensions of the problem.

11 *Assessment of the needs of internally displaced persons in Serbia*, March 2011, http://www.unhcr.rs/media/IRL_iz-vestaj_srpska_verzija.pdf

12 For more information on the work of the Centre for Youth Integration and programmes of the Hostel (*Svratište*), Day Care Centre and Field work see: <http://www.cim.org.rs/programi/>

According to the statistical data of the Agency for the Coordination of Protection of Victims of Trafficking ¹³ in the period 2008 – 2011, there were 359 identified victims of human trafficking in total, of which number 157 were **children who were victims of human trafficking**, which made 44% of total identified victims (Chart 10).

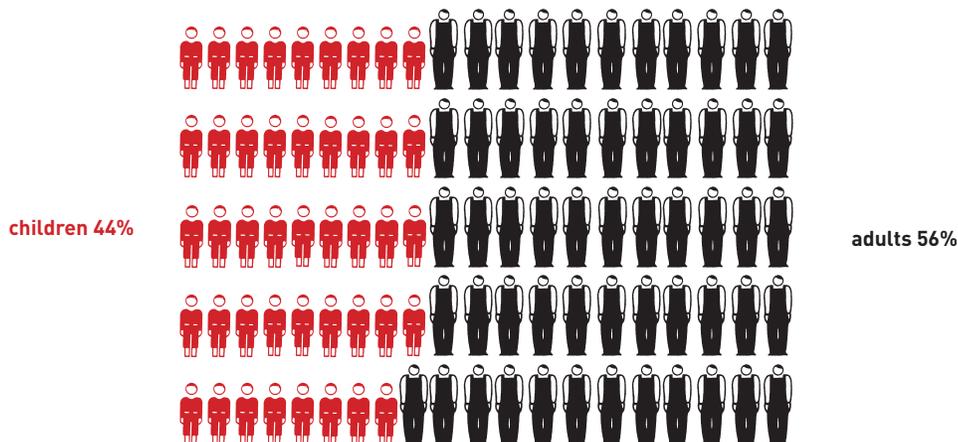


Chart 10:
The percentage of child victims of human trafficking in the period 2008 - 2011
[Data obtained from the Agency for the Coordination of Protection of Victims of Trafficking]

¹³ The Agency for the Coordination of Protection of Victims of Trafficking was established within the Institute for Education of Children and Youth in Belgrade, in December 2003, as a result of a joint project of the Ministry of Labour, Employment and Social Policy and the OSCE Mission to Serbia and Montenegro. It began to work in March 2004 and in June 2005 it was integrated in the social welfare system and placed under the auspices of the Ministry of Labour and Social Policy. It stopped functioning during 2012, after the Centre for the Protection of Victims of Human Trafficking was established

According to data from the same source, because of the nature of the phenomenon and the assumption of the size of “dark figures”, that is, the number of people who were exploited in this period of time, and who were not formally identified as such, it is not possible to determine the reason for the reduction in the number of children-victims of human trafficking after the year 2009 (Chart 11).

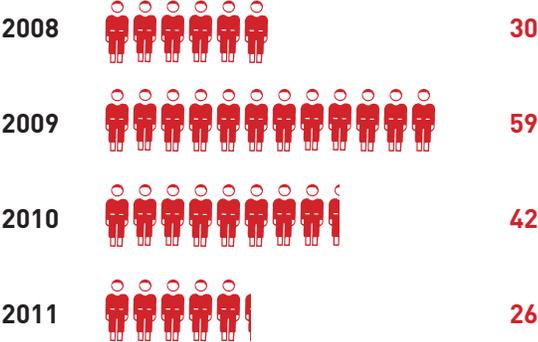
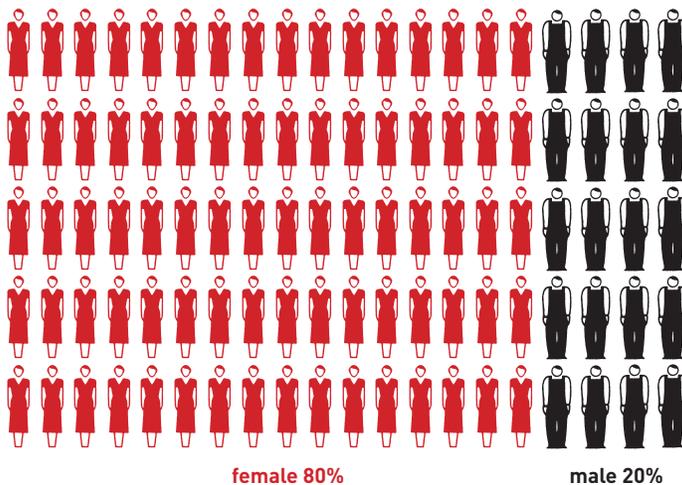


Chart 11:
The number of children-victims of human trafficking in the period 2008 - 2011.
[Data obtained from the Agency for the Coordination of Protection of Victims of Trafficking]

The decrease in the number of underage children-victims of human trafficking is especially surprising considering the findings of the 2011 research in the segment of the analysis of the questionnaires for Centres for Social Work which provides a different age structure of the total number of victims: there is an absolute dominance of the underage female victims. Respondents from the sphere of social protection interpreted this phenomenon in the light of the relevant Centres for Social Work or, where appropriate, primary responsibility of Centres for Social Work for child victims.

However, the foregoing research and the results of the focus group and in-depth interviews, as well as the analysis of available data, indicate that the victims of human trafficking in Serbia in the reported period of time, were in most cases women and girls reaching 80% (see Chart 12). However, it is important to note that from year to year, there is an increase in number of men and boys who are primarily identified as victims of labour exploitation, begging and coercion to committing the criminal offences (Chart 13).



Graph 12: Victims identified in 2011 by sex. (Data obtained from the Agency for the Coordination of Protection of Victims of Trafficking).

According to 2011 data, it is clear that among the identified victims, the most numerous victims are still those of sexual exploitation (40.9% of the total number), while the percentage of identified victims of other forms of exploitation (labour exploitation - 25%, forced begging - 7,95%) was significantly higher than in previous years (Chart 13).



Graph 13:
The number of identified victims of human trafficking by type of exploitation in 2011.
(Data obtained from the Agency for the Coordination of Protection of Victims of Trafficking)

This supports the strengthened capacity of the institutions responsible for the identification of victims wherein – regardless of the established and still widely prevalent social stereotypes on a woman/girl as victim of human trafficking, that is, a victim of sexual exploitation – they recognize different forms of exploitation and victims of different characteristics. In this context, the contribution to our understanding of the problems of children living and/or working on the street (and among them, children who are forced to beg), made by the organizations directly engaged in the work with these groups of children, primarily the Centre for Youth Integration from Belgrade, is extremely important..

Causes of migrations, Characteristics of Children on the Move And Specific Risks

Consultations with children from different groups of children on the move provided most information on the causes of migration and the very factors that influence leaving the place of residence which, given the impossibility of direct insight into it, was not discussed during the focus-group/in-depth interviews with professionals from Serbia. Children state a number of factors due to which they left their place of residence, wherein it is possible to see the difference between the factors referred to by children from different subgroups:

Asylum seeking children from Afghanistan and Somalia state the war situation in the country and threatened safety as a primary cause of migration. They also state political conflicts, the general situation in their countries as important factors, as well as deprived rights of children, especially girls, to education. The families of these children cannot be considered as poor in their country of origin, which is indicated by the fact that they were able to cover the travel expenses.

On the other hand, **children returnees from countries of Western Europe under the readmission agreements** stated that poverty and lack of perspective were the main reasons for their parents to decide to leave Serbia. It should be noted that this group includes the children whose families are **internally displaced** from Kosovo, which considerably affected their financial status and quality of life.

Children who are involved in the life and/or work on the street from the child population which migrated to Belgrade with their parents from smaller towns in Serbia, said that poverty and better opportunities for finding a job were the main reasons for their parents to decide to leave their previous places of residence. These are often Roma children whose families belong to the poorest groups of the Serbian population, and are exposed to multiple marginalization and discrimination. These families live in extremely bad conditions which exposes children to multiple risks.

Children victims of human trafficking, whether the citizens of Serbia or foreign national, state that the reason for the change of their place of residence/migration were the same as those mentioned by other groups of children - poverty, multiple marginalization, violence, neglect, looking for “a better life “and alike, but the move/migration (in case of children who were not exploited in their place of residence) was actually initiated by the intention of human traffickers to exploit them.

From the research conducted with children it is clear that the decision on migration was motivated by the assessment of parents or a child - if deprived of parental care - that elsewhere there might be greater opportunities for them to exercise their rights, wherein many children stated that their parents, but they themselves also, considered migration “the only thing left to them.”

The experience of migration may be positive and lead to a positive outcome in terms of better living conditions for both the child and his/her parents, and for the community in which children come¹⁴. Thus, many of the children who participated in the study emphasized the positive aspects of migration during certain phases of their journey, which was, as prospects, entirely absent from the opinion of professionals. Thus, for example, one group of children who, with their families, migrated from Serbia to more developed countries, state that there they had better conditions of life, as they said, “the conditions for normal life.” These children see the migration process as a positive experience, regardless of the fact that they had to return to Serbia because their families did not manage to get asylum. Also, asylum seeking children state that the conditions that they received in Serbia are “much better” than the conditions they had in other countries where they stayed during the trip.

On the other hand, the experience of children who migrate with their families or alone within the country’s borders looking for a better life, are far more negative and hardly support the view that migration can provide them with better living conditions. Affected by severe poverty, children often move in search of the opportunities for securing income. However, according to children, relocation usually does not bring the better quality of life with it. These children often do not have their civil and legal status regulated which is why they do not have access to health and social protection services, as well as to education, they live in illegal settlements and are included in the life and/or work on the street. From an early age they

14 O’Connell Davidson, J., Farrow, C., *Child Migration and the Construction of Vulnerability*, Save the Children Sweden, 2007, str. 11

assume the roles of adults - they support their families, take care of their brothers and sisters, or participate in securing the family income and, if separated from their families, they provide a livelihood for themselves. Children state that they spend a large part of their time on the streets and without adequate supervision, which exposes them to many risks of violence and various forms of exploitation.

Even the journey itself poses a life threatening risk for these children. A large number of children, especially children who are travelling by illegal channels, speak of unsafe forms of transportation, armed attacks on groups of migrants, killings along the way, arrests of parents and children, separation from family, cases of various forms of exploitation, as well as the constant presence of fear of smugglers and human traffickers. Children are faced with shortages of food and water during the journey, and they often do not have even basic health care.

Professionals, who are directly engaged in the work with different groups of children on the move, agree that it is possible to identify the common characteristics of the user groups, that is, the causes of vulnerability. Some of these factors have already been described in the research conducted with children. Above all, **poverty** was the most frequently mentioned characteristic of all children with whom the respondents worked. This is supported by the 2011 data of Centres for Social Work. In fact, of all user groups, the most prominent was the group of socio-financially disadvantaged children the number of whom totalled 90,984, that is, 63.05% of the total number of children-beneficiaries of the social welfare system (Chart 1).

One of the most important and thoroughly analyzed characteristic of children on the move during the research, is a frequent “**legal invisibility**”, which makes them, on one hand, absolutely socially excluded, and on the other - more vulnerable to abuse and exploitation (particularly to forcefully committed criminal offences) (Chart 2). The respondents absolutely agree that the key first step in providing adequate support, protection and implementation of the programme to assist the children on the move – is the overall regulation of the civil and legal status, that is, creation of the prerequisites for inclusion in the educational system and the social and health protection system.

Complete **social exclusion** is often stated to be the characteristic of children on the move:

They often lack personal documents, health insurance cards, all of which makes it more difficult to access health services. Children are hygienically neglected and often have serious health problems.

Mentioning the causes of vulnerability, according to the visions professionals and children who had participated in the survey, it is possible to introduce in the following way:



Figure 2:
Causes of vulnerability

Within the claim that, regardless of the specific group they belong to, the children on the move are socially most often excluded, the following circumstances are also mentioned: exclusion from the educational system, unresolved civil-legal status, language barriers (often unknown or insufficient knowledge of the language of the majority community), hindered or completely unavailable access to the system resources, such as health services, lacking life skills, the inability to exercise the fundamental rights, and so on.

When it comes to the factors of vulnerability of different groups of children on the move, professionals mostly recognize and name a possible exposure to **neglect and abuse** by parents. Thus, the specific differences were observed between groups of children involved in the life and/or work on the street and the motivation for the work in relation to their relationship with their parents:

- a. Children who live with their parents and are not forced to work on the street, but would like to contribute to the family budget and so they work on the streets in order to help their parents and be in the company of other children (parents are not happy with this because of the fact that child is working on the street);
- b. Children who deny being forced to work on the streets by their parents, but there is a compulsion;
- c. Children who admit that their parents are forcing them to work on the streets;
- d. Children who live with their parents, but run away from families for various reasons (most often due to domestic violence) and live and/or work on the streets;
- e. Children who run away from the institutions of the system and live and/or work on the streets;
- f. Children without parental care outside the social welfare system, working and living on the street;
- g. Children forced by unknown persons to live and work on the streets.

It is clear that, depending on the referenced characteristics of the family and closer environment and circumstances of (possible) exploitation, different approaches in the work with the groups of children who live and/or work on the street, or their families should be formulated. Unfortunately, there is still no indication that the social welfare system (and often the criminal prosecution system, unless children-victims of coerced begging or perpetration of the criminal offences are in question), understands these differences properly, that is, that there exists the capacity for true individualisation in the approach within the protection system.

It is not unusual for the children involved in the life and/or work on the street to be exploited by family members, whether it concerns juvenile marriages, labour or sexual exploitation. Children often do not recognize exploitation, believing that this is the way to contribute to the wellbeing of their family. This fact, along with the still existing and numerous prejudices in our society, often leads to the fact that even representatives of the institutions fail to recognize or react appropriately to exploitation and violence against children involved in the life and / or work on the street. Regardless of the step forward in the terminology and understanding of child protection (e.g., from the reaction to “social behaviour disorders “ to the responses to the needs of children from vulnerable groups), a recognition of cases of exploitation, regardless of the lifestyle and community norms from which the child originates, is still a challenge.

Children victims of human trafficking especially differ from other groups due to often multiple exploitation and long term violence to which they are exposed.

Respondents refer to violence in families of children on the move and in migrant population in Serbia as a very frequent phenomenon. The respondents did not fully agree about the thesis of a higher rate of violence, but they agreed upon the specific circumstances in which violence occurs, that is, upon the need for a more profound prevention and adequate system of protection of women and children.

Considering that they are introvert, they are in fear that if they complain about something happening to them, they will not be able to continue their journey, which is most important to them. This was evident even during yesterday's talks that I had with a women from Afghanistan who, together with her two children (ages four and seven), suffers violence from her husband. She hesitated to report violence from fear of being expelled and that she will lose a place in the Asylum Centre.

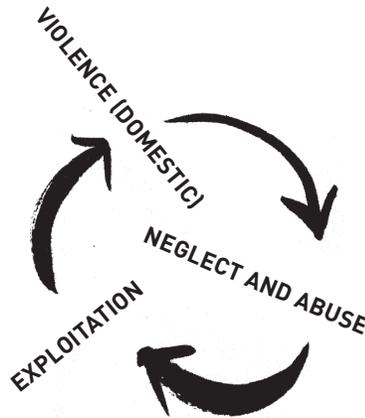


Figure 3:
Exposure of children on the move to the risks

The research findings, therefore, suggest that the identified children on the move in the Republic of Serbia are in most cases victims of violence - often family violence, often victims of exploitation (or at the specific risk of becoming victims of exploitation) and the victims of neglect and abuse by their parents (Figure 3).

In response to the question on characteristics of children on the move (Figure 4), the representatives of civil society state children's (and their parents') strong **dis-trust in the institutions**, being a consequence of an inadequate response of the

system to the needs of children living and/or working on the street. Children are often instructed to avoid any representatives of the institutions, they falsely introduce themselves and alike.

One of their biggest fear is that they will be closed up, especially children who have experienced living in certain institutions.

This of course is an additional challenge in the development of a comprehensive strategy for social inclusion of children from the referenced groups.

In addition, these children are also distinguished by a general **distrust in people**, especially service providers, as well as by emotional immaturity and generally low level of education and cultural deprivation.

They do not have hygienic habits, they do not know the basic concepts (for example, they do not know what is *up* and what is *down*), cognitive abilities are weak, sometimes without the knowledge of the Serbian language, accept the traditional gender roles ...

They believe, for example, that if they live together somewhere on the street, girls should do the cleaning and it is generally not questioned, that is their role in the small group. When a girl is “not good”, it is “normal” that she gets a beating from her father, brother or other male member of the community.

Children in this group who are (were) victims of the criminal offences (human trafficking) are in an even more specific situation. Specifically, they additionally **expressed fear of retaliation** (whether the perpetrator of a criminal offense is a family member or not), **judgement** or **complete rejection by family**, from **labelling** and **discrimination** by the social environment, but they also feel **shame** and **guilt** because of the experienced exploitation, sexual exploitation in particular.

Children of migrant families from any of the groups also express fear of the **unknown**, and **uncertainty** is evidenced if they do not speak the language of their environment, and are the beneficiaries of programmes of the social welfare systems lacking sufficient funds for translation services. Fear and uncertainty are particularly expressed in children of migrants living in collective centres.

Regardless of their status, due to living in collective centres, it is characteristic for these children that they are psychologically *on the move*, psychologically *not at home*, they are always in anticipation whether they will be moved somewhere. People who had the status of refugees, have a special experience of being referred by the Commissariat to a number of different places, so they very often moved, and for their children it meant changing schools, classes and environment ...

Within the analysis of children of migrants, the position of internally displaced children and children of displaced persons was emphasised as being especially unfavourable:

Internally displaced Roma people living in the Roma settlements are particularly in a difficult situation. They are the poorest of the poorest. When it rains, they do not go to school because they have no clothes, they are hungry, thirsty, ragged and barefoot.

Missing social network has also been observed as an essential deficiency on the path towards the full social inclusion of children from the group of internally displaced persons and returnees in the process of readmission.

Due to the multiple risks, it is necessary to specifically address the Roma issue. The Roma people are in a much more difficult socio-economic situation, the way of satisfying their needs is much more complex, and their children are exposed to much higher risks than children from the refugee and internally displaced non-Roma families. They often do not finish school, they get married early, especially the Roma girls; a harmful traditional practice of contracting marriages is very often, girls are sold, it is expected that children start working from an early age ... On the other hand, the institutions discriminate more the representatives of the Roma population.

Children do not have a stable environment in terms of some friends, relatives, and very often this kind of support does not exist.

As for children who lived abroad for a long time and returned pursuant to the re-admission agreement, children who do not speak the Serbian language at all, they are not provided with anything here. These children are returned to a completely

different environment in which the living conditions are, unfortunately, much worse than those in which they previously lived. Yesterday I visited a family, they are Serbs from Kosovo, they came from Kosovo to a collective centre, and from the collective centre they went to France, from France to Norway, from Norway they returned to the centre, to a completely different way of life. These children talk about how they used to go skiing there, to the theatre, and they were physically returned to the mud, to a hut that is cold, to poverty where their parents struggle for a crust of bread.

Referring to the characteristics of the underage asylum seekers, the respondents specifically state that children are under enormous **stress, traumatized**, sometimes even **psychotic**. Also, they are often somatically ill so they need urgent health care and health care for chronic diseases and protection.

All in all, professionals believe that the basic characteristics of children on the move in Serbia are as follows:

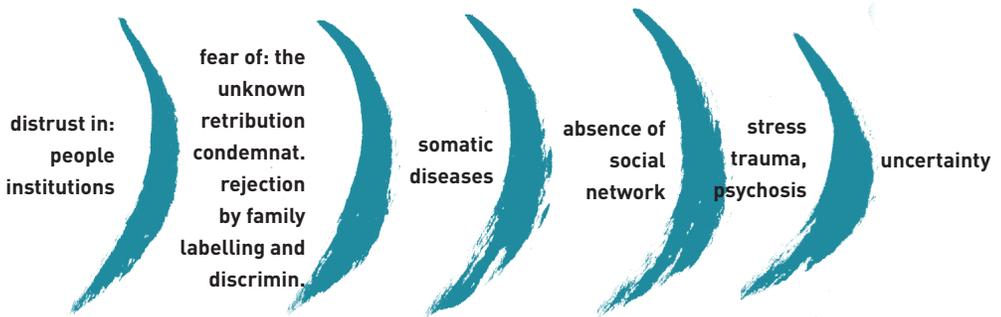


Figure 4:
Characteristics of children on the move

In the context of the analysis of **the risk of victimization**, considering the fact that children from some of the studied groups have already been the victims of crimes (children victims of human trafficking and some children involved in the life and/or work on the streets being forced to beg or commit the criminal offenses, while not being formally indentified as victims of trafficking), the respondents recognised the children from these groups exactly as those in the most difficult position, and looked at these risks relative to the potential victimization of human trafficking. Special exposure to discrimination, material, social and cultural deprivati-

on and exclusion from the system and/or child abuse and neglect, combined with other circumstances - life and work on the streets, going back to the country of origin after living for years in countries of Western Europe, leaving the country of origin seeking for a more progressive socio-economic environment, life in the centres of a particularly high/low concentration (rural poor areas, collective centres), and other – are presented as the key causes of the various forms of victimization.

Some of the jobs that these children are engaged in are begging, car parking and, of course, all of them are at risk of sexual exploitation, especially girls. They are also at risk of taking psychoactive substances.

The respondents clearly recognize the gender dimensions of the phenomenon, and the risks are therefore analyzed in this light as well.

Boys seven to fourteen years old, who lived on the streets, wandered and begged, were at the highest risk of labour exploitation.

The risks characteristic for the children involved in the life and/or work on the streets are identified as follows: risks of various forms of exploitation, underage pregnancy, HIV infection, hepatitis, sexually transmitted and other diseases that could be a consequence of living in the poor conditions for years.

To improve the system of protection of children on the move and in addition to the risk recognition, it is necessary to take further actions towards their reduction/eradication. The practice so far has shown that, unfortunately, greater attention has still been paid to remediation of the consequences than to eradication of the causes of some incidences and phenomena.

Children on the move constitute an extremely vulnerable group of children. At all stages, these children are constantly exposed to the risks of violence, harassment and abuse, exploitation and neglect. Often, by avoiding inclusion into the identification and protection system in the attempt to arrive at the desired destination, or under the pressure by adults, these children “fall out” of the existing frameworks of protection and assistance offered by the official system and the civil society organizations.

An adequate protection system would thus imply the responses to the identified and recognized needs, and those that would fully comply with the age and specific context, in order to secure a responsive, flexible and individualized approach guided by the principle of non-discrimination, the best interest of the child, participation, right to life, survival and development, as the key principles of the Convention on the Rights of the Child.

**6.
CHILDREN
ON THE MOVE
SPEAK**

**...THIS
ROAD
IS
FULLOF
HOLES...**

MIGRANT CHILDREN IN SERBIA

This study included twenty four children - seventeen girls and seven boys, aged eight to eighteen, who found themselves in Serbia during migration. Of this number, twenty children travelled with their families, while four of them were unaccompanied - three boys travelled alone from Afghanistan, and one girl was alone due to the separation from her family during the journey. All of the children who participated in the study were placed in the Asylum Centre in Bogovađa, except for the referenced girl who was living for eight months in the Reception Centre sanitation of the consequences in Novi Sad.

The children and their families in Serbia have the status of migrants, and almost all families have applied for asylum in Serbia. Also, three out of four unaccompanied children applied for asylum, while the girl who was accommodated in the Reception Centre was waiting for “reunification with her family” which migrated to Germany.

Where do the children come from

Twenty children who participated in the study came from Afghanistan. A certain number of children and their families fled from Afghanistan to Iran where they lived for several years, while one family lived in India for a certain period of time after leaving Afghanistan.

Four children, brothers and sisters, who came from Somalia participated in the study.

My old house

“I remember our house in Afghanistan. And the smell when mom made cakes.”

“There were many trees where we lived in Iran. And a fountain.”

“Our house is in Somalia. My room and my brother’s room. Grandpa stayed.”

“The school I attended. We learned and drew. I had a lot of girlfriends.”

“My house. I would like to live there again.”

“I remember the hospital. The one where I was born.”

? Why do the children leave their country of origin

War and the consequences of the war

All the children who participated in the study state that the war and the consequences of the war were the main reason for leaving their country of origin. The children note that they were directly threatened by the war circumstances and describe the situations in which their lives and lives of their family members were at risk. They talk about constant fear in those circumstances.

“If there were peace in Afghanistan, I would live there. As it was, we had to leave.”

“There is a war there. Anything can be seen on the streets.”

“Mother and sisters did not leave the house for days. We were all scared, and I cried a lot.”

“A child should not be watching a war and everything that happens in a war. That is why we left as well as a lot of other children. War is scary.”

Some children state that their families left the country because their parents, that is, fathers, had problems with the authorities, certain political and military groups.

“My father had problems, when the new government assumed the power. He had to run away from the country. First he went. He travelled for several years. Then we left as well and now we travel together.”

On the other hand, children travelling unaccompanied say that the living conditions in a country affected by war were even more difficult to them. Some of these children lost their family or father as the key member of the family. The boy who lost his family said that he did not see any perspective in his country. Boys whose mothers, brothers and sisters remained in Afghanistan state that their families lived in fear for their lives.

In a war situation even common everyday situations can become life-threatening. Children say that they often were not able to go to school or have interrupted schooling. Children were in constant fear for their lives. Many children talk about their own traumatic experiences but also about the traumatic experiences of their peers.

“We feared the Taliban. I remember when my father came to take us out of school because the Taliban were close. I was very afraid.”

“Children are often injured by the bombs. There were children who lost half a leg or arm.”

“It is dangerous to even go to school. You can see horrible things. Everything can happen, even to you.”

Girls point out that they are particularly at risk because they are not able to protect themselves.

“Girls often get injured.”

“I was afraid, because I am a girl.”

Poverty and poor living conditions

Children also state poverty and poor living conditions in the country as one of the reasons for their parents' decision to leave the country and try to get a better life for their family in another country.

“We all are looking for a better life.”

“There we did not have the conditions for normal education. I want to get education.”

“We do not have any future in Afghanistan. The situation in the country is bad.”

! (Un)planned journey

“We were preparing ourselves to leave. We brought a lot of things with us.”

A lot of people left before us. Many families. Children too.”

“My friend did not have anyone. He lost his family. He worked to earn money and go to Europe.”

From the responses of a number of children it can be concluded that the trip was planned and that, considering the environment in which children lived, leaving the country was perceived as a possible way out of a difficult situation and the opportunity for a better life.

Several children from Afghanistan said that their families were forced to leave the country in fear of the Taliban. Other children left the country after the war ended.

“The Taliban were close. That is why we had to leave.”

“My father had an excellent life in Afghanistan. When those problems occurred, he went away and travelled around the world for sixteen years. When the war ended, he returned, and now we travel together.”

One boy who was travelling alone, says that he had to flee the country because his father was involved in “some business” because of which the boy feared for his own life.

Where do these children go

“We hope that we will find a country in which we will get asylum and be able to live a normal life.”

“We have decided to go somewhere where we will be able to have a better future.”

“We do not know where exactly we are going, but we will stay at anyplace where we are accepted.”

“We are going where we will be able to go to school.”

“I could not think of any country that is entirely good. But we are going to a country where we will be better off than in our own country.”

Many children say that they do not know exactly where they are going. It seems that where they will go, is not critical to them. For them, the important thing is that they go somewhere where they can be accepted and be given the opportunity for a “better life.”

A number of children state that their goal is to “go to Europe.” Talking about the choice of the country in which their families will stay, several children from Afgha-

nistan emphasised that it should be a country in which “the people of Afghanistan will not be discriminated,” and pointed out that it was the main reason for their families not to stay in Iran. Several children mentioned that during a certain period of time they lived in Iran, but because of the poor conditions in that country they returned to Afghanistan, wherefrom they went to the countries which “accept their people.”

“We are going to the country in which my family will not have enemies.”

Many children specify the countries they see as their final destination. These are the countries in which they have some relatives or a country for which their relatives or acquaintances said that it accept refugees. A large number of children mentioned Sweden as a country of “a better life“ and the target of their journey.

“We wanted it to be Germany because my aunt and my mother`s uncle live there. We have some more relatives there.”

“I would like to go to Sweden. We would have a better life there.”

“I know that Sweden is a good country to live in . We will try to go to Sweden“.

Boys who travel unaccompanied said that they initially had a plan to go to Europe, and that during the trip, other migrating children gave them information about destinations being a good choice. So, one boy decided to go to Italy. However, as he was deported from Italy back to Greece, he decided to change the plan inspired by a positive experience of his friend who travelled along with him.

“My goal is to get to Sweden. A friend with whom I travelled is already there. He got the asylum.”

Several children noted that they liked being in Serbia and that they would stay, if possible. One boy who travels unaccompanied said that he knew that it was almost impossible to obtain the asylum in Serbia. He heard that from other migrants and therefore he does not hope to stay in Serbia.

“I would like to stay here. We have been here for four months now. I think my dad would also like us to stay here.”

“I know it`s impossible to get the asylum here. I know I won`t be staying here“

What do children carry on this trip...

“You start this trip with a myriad of questions“

“You are in constant fear of weather you will succeed, weather you will be deported, weather you will survive.“

“You have many plans that may come true. You imagine what life could be.“

“You hope that you`ll get somewhere where it will be better.“

“I took with me some of my personal belongings.“

“You always have a feeling of uncertainty, insecurity and fear.“

“Memories of the country that I come from, the life I lived, the people, my friends.“

“Fear and hope. Sometimes the fear is stronger, and sometimes hope defeats the fear.”

? Who travels with the children

„There is a difference between travelling alone and travelling with your family. A big difference.“

As mentioned before, apart from the three boys and a girl in a Reception Centre in Novi Sad, aged 15-18 years, all other children who participated in the study travelled with their families, their closest family - with both parents, brothers and sisters. None of the children mentioned that the families took their trip in a larger group.

Family as support

All children who were travelling with their families emphasised that their families are a huge support. Many children say they would not endure this journey without their families.

“When a child is travelling this way, the most important thing for him/her is to be with his/her parents“.

“I was afraid very much. Then my father would pick me up and carry me, so I was less afraid.“

“It is difficult for both children and adults. Adults take care of children, protect them. And the children are trying to endure.“

From the interviews with the children it seems that fathers mostly take care about the organization of the trip and security of the family, while mothers take care of children.

“Our father is dealing with the safety issue, and my mother is taking care of us – children.“

Two of the children say that, before the whole family went on a trip, their father had once crossed the route which they are travelling now and that it facilitates the journey to a great extent.

“It is a lot easier for us because our father already knows the way. He crossed the route once, and now he is crossing it again with us.”

Relationship with brothers and sisters

All children especially emphasised the relationship they have with their brothers and sisters, and said that they were their “biggest support” in times of trouble. Children often do not want to further upset their parents, and they therefore first turn to their brothers and sisters.

“When I feel bad, I talk to my sister. She understands me best.”

“I have a brother and a sister. We are each other`s biggest support.”

“Whenever I was sad on the trip, I played with my sisters.”

“Sometimes when I have a problem, I don`t want to make my parents sad or upset, so I talk with my brother. It helps me. I help him as well.”

Family relationships

None of the children mentioned any conflicts in the family, nor any form of violence. Children say that their families “hold together” during the trip, and that for parents it was “most important to protect the children” and that “older children helped their parents by taking care of the younger children.”

Most of the children highlight the fact that it is harder to travel if a family is large and if there are several small children in the family. Children say that older children may find it easier to stand a trip.

„When a family is big, when there are many small children, then the trip is much harder. Small children can` t endure the trip.“

„Still, older children find the trip easier, than the young ones do.“

Separation from family

Two brothers and a sister who travelled from Somalia split up during the trip from their mother and sister, and most of trip they only travelled with their father.

“We were together in Turkey. From that point onwards, we don` t know where our mother and sister are.“

“It is difficult for a child to travel only with father. We have an older sister too, so she helps us. But it` s harder nevertheless.“

During our research, the mother and the sister came to Serbia on the basis of “the family unification” and they were given accommodation in the Asylum Centre in Bogovada.

“Mom came to us. Sister as well. I am so happy.“

A girl from Afghanistan started the trip with her family, but in Greece, under unknown circumstances, she got separated from her family.

“We separated after Greece, but I can’t remember that.”

“We were on the bus, Hasan and I, we travelled with a woman. I have never met this woman before, but she was really nice to us.”

“We had false passports, and we were caught in Serbia. We were taken to the Reception Centre.”

“When I came here, it was terrible because mom and dad were not there. That was the worst.”

In both cases, the children did not want to speak about the circumstances in which the separation of the family occurred. In the case of the girl from Afghanistan, human trafficking is suspected (for more detail, see the case study).

Unaccompanied children

Boys who are travelling alone did not want to talk about how they began their journey as they “are still halfway.” They expressed fear that the disclosure of such information could put them into “trouble.”

What these boys are talking about is the importance of social networks during the trip. They specifically emphasise the support they got from the boys their age who have already “crossed some part of the route.”

“I met many who were in the same situation as I am. They helped me and I helped them too.”

“The information on the situation in some country I mainly received from those I met along the way.”

“Several of us have been travelling together. Then, we had to split up. A friend of mine has already managed to go to Sweden. I am in touch with him.”

Many times in various stages of their travelling, the boys united with their peers.

“You meet someone. You get to know each other and decide to go together. It is much easier that way.”

Can girls travel alone

Boys who travel unaccompanied pointed out that it is much more difficult for the girls to travel alone because they are physically less prepared to withstand the trip, and they are more exposed to the risk of violence.

“Physical strength and agility are often required from you. For example, you have to jump off of the truck, run ...I think that most girls would not be able to withstand that.”

„For girls it is more risky if they travel alone. Someone could attack them, and they would not be able to defend themselves.“

? **How do the children travel and travel risks**

Many children talked about how they walked for days, describing situations in which their lives were threatened.

“We walked. At night. It was very cold. We went over the mountains and through some big holes.“

“We went through the forest. I was afraid of the wild animals.

“It was hard for me to walk. My legs were aching. I could not endure it.“

“We went through the snow. It was so cold that we were unable to walk. Many children got sick.”

“It is scary to walk through the desert. Without any water. In the desert I was afraid most.”

A certain number of children travelled across the sea.

“We travelled across the sea. That was most terrible. The sea was rough. It happened that someone fell overboard and drowned. We didn` t travel with a real boat. It was an improvised boat.”

Some children travelled by truck.

„At all times we travelled by truck. We were hiding in the truck. The space was so small we could barely breathe.“

„I was laying down for thirty six hours in the truck in a container which was like a grave. There was no room, no air. Some people died.“

Lack of food, water, clothes and medications

Children say that during the trip they often did not have enough food and water, they were starving for several days. Many children were not prepared for the harsh climatic conditions, nor did they have adequate footwear and clothing. Children also speak about the lack of medicines.

„We often did not have enough food and water. We didn` t have medicines, and a lot of people got sick because it was cold.“

„It was so cold, and we didn` t have any warm clothes and footwear. We had nothing to eat. We didn` t even had water. Nobody helped us during our trip.“

Through which countries are the children travelling

Almost all children which come from Afghanistan, mention the following route of travel: Iran-Turkey-Greece-Macedonia-Serbia. One girl mentioned a trip across Saudi Arabia and Syria, Greece and Macedonia to Serbia.

Several children who travel from Somalia, mention crossing Turkey, Greece and Macedonia.

Crossing the border

Children specifically emphasise the life threatening risk of crossing the border.

“We were crossing the border over high mountains. So we would not be seen and killed.“

“The most scary part is when you are crossing the border between Afghanistan and Iran. The Iranian police will shoot. They were shooting at us.“

“Some people were injured when they started shooting at the migrants at the border. We were there, as well as the other families with children.“

“I knew when we were crossing the border. Father and mother would tell us to be quiet. We were afraid. Once, my little sister started to cry. I don` t know what would happn happen if they heard us.“

Smuggling

Boys who were travelling unaccompanied say that, during the trip, they paid smugglers to get them over the border.

“I paid smugglers to get me from Greece to Italy. They made me hide in the truck which was full of people. It was terrible.”

Boys did not want to speak about the details, but they emphasise that during the trip, they were able to find out from other migrants how to get in touch with smugglers. One of the boys said that the smugglers were waiting on the dock in Greece and so he got into contact with them.

Boys talk about the risks they face every time they pay smugglers to take them to another country.

“You give the smugglers a lot of money in advance so they can make you a fake passport and buy everything you need for the trip. And there is always a risk that you do not get any of it.”

“Many people are deceived by smugglers. They take a lot of money to get them to some country, and leave them halfway.”

“I know of cases where the smugglers kidnapped children from their families and then asked for big amount of money.”

“You have to be constantly vigilant. You must not trust the smugglers. You have to be prepared that your life will often be in danger.”

Boys say that they usually united with their peers and based on the information they received during the journey, they made decisions where to go, and got into contact with the smugglers. According to them, associating with peers facilitates the trip and “reduces the risk”.

Deportation, detention and accommodation of asylum seekers

About one third of the children who participated in the study had an experience of being deported. Children and their families were mostly deported when trying to go from Greece to Italy, from Macedonia to Serbia as well as from the Serbian borders with Bosnia and Herzegovina and Hungary. Many children and their families, if they get caught by the police at the border, end up in jail where they remain for more than a month.

“At the border they found me in the truck and immediately deported to Greece. I didn't manage to go to Italy. When I returned to Greece, I was detained for thirty days.”

“If you want to get from Serbia to Hungary and you get caught by the police – you will be deported immediately.”

“The police caught me, my parents and my sisters trying to cross the Serbian border to get to Bosnia. They immediately detained us. We were detained for forty days. It was terrible. Now we are back in Serbia in the Asylum Centre.”

Accommodation of asylum seekers

During the trip most of the children stayed in asylum centres in several countries, most often in Turkey, Greece and Serbia. Housing conditions were different from country to country. When children compared the accommodation in Serbia, in the Asylum Centre in Bogovada, they pointed out that it was much better than their accommodation before coming to Serbia.

“In that first camp in Turkey, the conditions were bad. Everything was dirty, beds and the bathroom. The food was also scarce, only twice a day.”

“We had no place to sleep. It was one room and children and adults were there together.”

“Here in Bogovađa we have a roof over our heads. It is clean and the food is good. We got the help that we needed. Here is the best so far.”

My temporary house in Serbia

“I am not afraid here. There are people here who can help me.”

“I like it here. We have a room, good food, playground and we spend a lot of time together...”

“I only wish there was a school here as well.”

“I feel good here. I`m good. I don`t need anything better.”

“I have friends here. We meet at the swings and we talk about everything.”

“My best friend is here.”

“It`s better being in the camp than on the road. Much better.”

“Since we are here, we can get some rest. Not to be afraid. Regain strength.”

The importance of peers and child programmes

All children say that their relationship with peers is very significant while staying in the Asylum Centre. They emphasise the importance of space available and intended for children, as well as the need for play, socialising and programmes in which they can participate. Children state that such centres should have individuals who work with children, people who organise programmes for children, but are also available if children have a problem.

“It is important to all children who, during their trip, end up in asylum to have some place where they can be with other children and play.”

“The most important thing is that there are other children in the centre, so you can spend time and talk with them.”

“Playing games is important. I love to play games. It is important to have space where you can play.”

“Workshops for children are important. They can make your day more interesting here in the centre.”

“It is important that there is a person in the centre who only works with children. And to be there if some child needs something or has a problem.”

Children especially emphasise the importance of programmes focused on integration of children and learning foreign languages, especially English, but also the language spoken in the environment in which they are, as well as acquiring basic skills in various fields.

“It is important to help a child fit in upon arriving in the Centre and to immediately begin to learn the language to be able to communicate.”

„If a child stays longer in some country, it is important that someone helps him learn the language, which will help him a lot.“

Status and roles of the children

Who decides that the children go on a trip

Almost all children who travel with their families, state that their parents have explained to them the reasons for their leaving the country.

“I know why we left. We talked about it with our parents.“

Children state that they support the decision of their parents, and they often talk about it as being a decision they made together.

“We decided to go.“

“I think my parents were right when they decided to take this trip.“

“Although the things that we have to deal with are tough, I think it was good that we set off to this trip. No fear on the road is worse than war.“

One of the three boys who were travelling unaccompanied states that he decided to leave the country because he lost his family, while the other two boys made a decision together with their families. Boys didn't want to talk about the details of their decision.



Decisions on the road

Children travelling unaccompanied say that the decisions on the direction and the way of travelling are made based on information obtained during certain sections of the road, as well as based on the network of contacts built on the way.

Unlike them, children travelling with their parents usually are not included in the decision-making during the trip, because the decision on where and how they will travel is up to their parents.

Children as support to the family

“Our parents do not speak English. My older sister and I speak English. That is why the two of us talked with the police. We translated to our parents what the police was saying.”

“I help with my younger brother and sister. I take care of them.”

“I wanted to endure this trip. I wanted to make it easier for my parents, so they didn't have to take care of me.”

“Often when it was difficult to me, I didn't want to talk to my parents about it. I didn't want to make them sad. I wanted them to worry less.”

During the travel, children in different ways are trying to help their parents. A large number of children stated that in difficult moments along the way they tried to “endure” in order to make it easier for their parents. Some children during the trip had to represent their families, usually when talking with the police and other agencies. These are the cases where children, unlike their parents, can communicate in English or even in the Serbian language.

Children reflect on the migration experience

Were the children ready for what awaited them

“When I started this journey, I thought it would be easy. My sister thought that as well. I believe our mother also thought it would be easier.”

Most children said that they were not ready for what awaited them during the journey. Many children believe that their parents also were not aware of many risks that awaited them during the journey.

“If I went again, I do not know if I would take someone with me, because I know how difficult it would be.”

“I do not think parents either know how difficult this trip really is.”

Most children think that it would be easier if they knew what awaited them on the trip.

“It is better to know what awaits you, so you can prepare.”

“Parents should prepare their children for the hard parts of the journey.”

“It is better to have some good pieces of advice when you start this journey. Advice that you get from people who already crossed the same route. So you know what to expect before you set off.”

Unlike the prevailing opinion, two children thought that it would have been better if they had not known what to expect on the road, because this knowledge would make the decision to leave the country even harder.

“I think we would have a hard time deciding whether to go or not if we knew what awaits us on the road. It is better like this. It is better when you don` t know.”

The boys who travelled unaccompanied say that it is very important to be informed about the situation in certain countries so you can avoid any risks. They got this information from other immigrants.

“It is important to know what the situation is in some country. What to expect. You can` t get this information. Except from other migrants. But this information is not always reliable.”



Message to children who set off this journey

“You should go because there are a lot of things you should not see because you are a child, and because you are a child you should have a lot of other things.”

“You need to go. Don` t think about it too much, you should just go.”

“This journey is difficult. The road is full of holes.”

“It is hard, but you will forget all about it once you grow up.”

“You will be scared. I was also very scared. The boys were scared too.”

“You will be scared, but no fear is greater than the fear of war.”

“Nice things can happen to you on this journey as well. Like when you reach Belgrade. Belgrade is very beautiful. I think it looks like Europe.”

“During the trip perhaps you will not have money nor passport.”

„Being deported is the worst.“

„You will be scared and sad. And you will hope. You will also be happy.“

Right to asylum

“We didn` t have passports. I know you can` t travel without a passport and the police is there to catch illegal migrants. But we are running away from war and they should not be deporting us back immediately. Especially not children and families with children.“

“We had a fake passport and that is why the police caught us when we were crossing the border. We knew it could happen.“

“They should not deport us immediately without proper procedure. We are children. Many children fall into even greater risk when they get deported.“

“We ran away because of the situation in the country. We have the right to asylum.“

“If I were a police officer and saw migrants I would tell them, “Stop!”

I would ask them what the problems that forced them leave their country are. If they left because of the major problems, I would let them pass.”

Most children, older children in particular, are aware that to travel without documents or with false documents is against law and that it is the job of the police to “catch” the migrants who violate law. On the other hand, children believe that they and their families should not be deported without respective procedure, as they have the right to seek asylum, bearing in mind the reasons for their leaving the country, as well as for the fact that they are children.

Halfway there...

For most children who took part in this research, Serbia is only a temporary residence. Children expect that after a certain time they would leave the Asylum Center in Bogovađa and continue their trip.

“Now, we are half way there. In fact, we have gone more than a halfway.”

“I hope we’ll manage to leave; that they will not send us back; that we will get asylum.”

“I would like us to stay here, in Serbia.”

“We will start from here. I don’t exactly know when, but soon. We hope that we’ll manage to go to the European Union before winter.”

One girl already knew the positive outcome of her journey.

“Now I know that I will go to Germany to join my parents and sisters. They live in Munich. They have a house. My sisters go to school. I will also go to school again and start learning German language.”

A place I envision

“I envision a house with my parents, brothers, sisters and myself living in it. I envision it is a big house.”

“It is a house where I could invite my girlfriends. There is a yard in front of the house, where we play.”

“I envision a school. I would like to continue my education, and that would be the school of my dreams.”

“It is much bigger than my house where I lived. We also have a car.”

“I envision a yard. There are lots of trees. I use to sit there.”

“I envision I have friends from my country as well as from the new country. I envision a place where we meet and spend time together.”

“I envision a house, but I also envision that I have a passport so that I could travel. To visit my country and travel around the world and see beautiful places. I have already seen some nice places during my trip.”

How has this journey changed you

“This journey has changed me a lot. I have become a better person. I am more frank to others. I am also braver now. Maybe I am more frank because I am braver.”

“During this journey, I decided to be brave and to be patient. I have learned Serbian language. I am proud of myself. I think I have coped with this quite well.”

“When it’s hard, one begins to perceive life differently.”

“I feel mature, grown up. The way I feel...I cannot really explain it.”

“One may change, but still remains a child.”

**...I WANT
SOMEONE
TO EXPLAIN
ME WHY
WE ARE
HERE...**

CHILDREN WHO RETURNED TO SERBIA

This research included 12 children, 8 girls and 4 boys between 10 and 18 years of age, who lived as immigrants in the countries of Western Europe and then returned to Serbia. All these children are the citizens of Serbia.

Five of the children are from the families who were displaced from Kosovo in 1999, and came to Belgrade. Three of these five were actually born in Belgrade. Between the time they arrived in Belgrade and left to Norway in 2008, these children lived with their families in a collective center in Resnik, near Belgrade. After almost three years of their life in Norway and unsuccessful attempts to get asylum, the families were deported to Serbia in 2010, when they returned to the same collective center in Resnik. In the meantime, this collective center gained the status of “informal center”. The state discontinued its funding as the refugee/displaced persons’ centers were officially dissolved.

Six children from Roma families lived in informal settlements in Belgrade before they went abroad. One boy from this group occasionally experienced the life and work on the street. All the children went to the Western European countries with their families. One family, having attempted to go to Sweden, was returned from the Belgrade airport. Having left the country, four families tried to get asylum – two in Germany and two in Sweden. Not any of these families got asylum, whereupon they returned to Serbia. One family went to Germany twice but came back after a few months without even trying to get asylum in Germany. When they got back to Serbia, all the six children continued living in illegal settlements as before. The children and their families left the country between 2010 and 2011 and stayed abroad between 3 and 15 months.

One 18 year old girl, who participated in this research, went abroad with a man who claimed to be her cousin, not knowing that her marriage had already been arranged with a Roma Muslim family in Switzerland. This case clearly involves human trafficking. After several months, the girl managed to return to Serbia upon the consent of the family she had been sold to. This girl was raised by a single mother (of Roma origin) who died young, so the girl changed several social welfare institutions since her earliest age. She left the last institution at her own initiative, and for some time lived on the street before she went abroad. Since she came back to Serbia, she has lived on her own, but with a support of a non-governmental organization.

? Why do children leave Serbia and what do they expect

All the children say that going to the Western Europe was an attempt to pursue “better life” for themselves and their families. At the same time, children believe that the main reasons for leaving the country were the poor living conditions and poverty.

“Children and their families go to other countries to live a normal life.”

“One hopes for a better life.”

“The houses were we lived before and where we now returned are not the real houses, but some improvised shacks.”

“We did not always have electric power. We did not have water, let alone warm bathing water.”

“We did our homework only during daytime, when there was enough light.”

“We were very poor. Really poor. It was difficult for our parents to find job.”

The children point out that even few years after they were internally displaced from Kosovo, their families could not provide better living conditions, so they thought that going abroad was their only option to change the situation. Older children in the group say that their families needed help from the country in order to resolve their problems, and the absence of such help was another reason for leaving the country.

“Our mother kept trying to make our life here better. But she did not succeed in it. Then, our parents decided to try leave this place.”

“They hoped that this was the way to have a better life.”

“Had we received some help from our country, maybe we would not have left. This was the only way to change our lives.”

Roma children who lived in informal settlements in Belgrade also say that their families decided to go abroad, “because they would have more options for a better life there”. All children from this group have a cousin already living abroad, who “already found his feet there”, “has papers, a job, a house...”, and “lives much better” as they say. This gives us impression that these children live in an environment where going to the countries of Western Europe is seen chance for better life, so that many families decide to make this move. The children’s perception of the life in Western Europe is based on what they have heard from their relatives who live there or from their parents who got this information from their relatives or acquaintances.

“Many people I know have left or tried to leave.”

“Those who could leave have left, because it’s better there.”

“I heard from my uncle about life there. He has been there for quite long.”

“When you go there, you can get a house. People whom we know got a house there.”

“My brother has been much better since he left. He got out. He had a tough time here.”

“Parents can find a job there. One can live better there. I know that. My aunt is there.”

“You can get social welfare benefits with which you can live well, much better than here.”

Before the children left, they expected certain advantages, i.e. that they would resolve their housing problem; that their parents would find jobs; that they would get financial help live a quality life as compared to the life in their country.

The girl who was a victim of human trafficking talks about complex circumstances and a series of factors that influenced her decision to travel abroad under high-risk circumstances.

“I was raised under institutional care. My mother got killed when I was a little child. Our aunt adopted my half-sister, but did not want to adopt me as I was not their blood. That’s how I ended up in the child home. After the child home, I did not have a family; I did not have a job; and I did not want to work. I was on the street. At the time, I already had problems with alcohol and other substances. Then I met that man. His brother got killed with my mother. He said that he would take me abroad, to some relatives. I did not have anything here, so I thought it would be better there, as I did not have anything to lose.”

! Decision to leave and the choice of destination country

All children who participated in the research, except one girl, say that their parents made the decision to leave the country. Children who have relatives abroad state that their parents decided to go to the country where their relatives lived, intending to stay there.

“Mother told us we were going to Germany, to our uncle’s.”

“My father obtained passports and said we would leave. We went to Germany. Our uncle lives there.”

“Our parents decided that we would leave. We went to Sweden because our aunt was there.”

“We have already been in Germany. We have relatives there. That’s why we are going to Germany.”

“I knew we were leaving and that we would stay there. Our parents told us that.”

“We left, wishing to stay there.”

On the other hand, some children say that their parents made the decision to leave the country, but did not mention anything to their children when they were about to leave. These children think that parents should talk to them frankly and help them prepare for moving abroad.

“We went to Norway, because my mother knew some people who got asylum there.”

“At the point of leaving, we did not know that we were leaving this place and that we would not come

back. Parents told us we would pay a visit to some relatives and stay there one month.”

“Eventually, it was a big shock for us. Sometimes, when parents want to protect you, they actually hurt you.”

“They should have told us that we were leaving and that we would stay there, because we would be prepared for that.”

Children had different reactions to their parents’ decision. Some children were happy to leave, while others were sorry – in particular, because they were leaving some people dear to them.

“I was very happy to leave. I hardly waited the trip.”

“I thought we would have a better life there, but I was sorry for leaving my best friend who stayed here.”

“I was sorry to leave. I have a close relationship with my grandmother and did not want to leave her.”

“Frankly, I was not really willing to go.”

Although they had no influence on their parents’ decision to leave the country, all the children agreed with the decision and thought it was the right choice.

“I think my parents made the right decision to leave.”

“If I were in their shoes, I would make the same decision, because it is better there.”

The girl who made her own choice to go abroad with a man claiming to be a close friend of her late parent states that she informed her social worker in the social welfare center about her decision.

“When I went to the social welfare center and told them I would go abroad, they just said that maybe it would not be good for me. They did not check how and with whom I would go there..., but they should have done that. What was I thinking when I decided to leave? I don’t know. I thought it would be better there, as I did not have anything here. I had nobody. I knew that man from before. It’s a long story and not really pleasant. He took me to Switzerland, I guess, to some place between Germany and Switzerland.”



How do the children travel

All children who participated in the research travelled legally to the countries of Western Europe. They had valid passports. Five children travelled to Norway by bus with their parents. Out of the four children who travelled to Germany, three children travelled by bus with both parents, brothers and sisters, whereas one girl travelled by van with her mother, sister, and sister’s family. One girl travelled by bus to Sweden with her parents and two brothers. None of these children mentioned any problems during the trip or at the border crossing. One girl says that her family tried to go to Sweden by airplane, but were sent back from the airport.

“They sent us back at the airport. We were supposed to go to my uncle’s, who came to meet us at the airport, but at the airport we were told that we did not have a guarantee letter and sent us back. They did not even give us back the money for the airplane tickets we had bought.”

LIFE IN THE COUNTRIES OF WESTERN EUROPE

Life of the children who went to Norway



Accommodation

Children whose families went to Norway state that soon after they arrived in the country, they were provided accommodation in separate family houses.

“When we arrived, we were soon transferred to a small place at the north of Norway. It was a center for asylum seekers, and we were placed there. Only the people who came alone lived there. We were instantly provided a house. We were very happy.”

“We were at the south of Norway, in a city, and then we moved to another city. In both cities we were provided a house.”

“Families who go there with children have the right to a house. We also got a house.”

“We had our own room.”

“Mom says that we used to stay in the bathroom for two hours, bathing, dabbling and playing with water. I guess we found it interesting because we did not have a real bathroom here.”

The children talk about the asylum center as a place where various children activities took place in which they often participated.

“The asylum center had a playground and playroom with different toys, books, movies... We often went there. Once we even stayed overnight during a pyjama party.”

Income

The children say that the families received social help, but their parents found jobs soon after they arrived in the country. All the children say that the overall living conditions were vastly better than in Serbia.

“In the beginning we received social help. Then, my mother found a job.”

“I think that our parents soon found jobs. First they attended language classes, and then they found jobs.”

“Our parents did not want us to live on social welfare. They wanted to find jobs and, therefore, contribute to the country that accepted us.”

“The life in Norway is incomparable to our life in Serbia.”

“We had normal life there. We did not have that in Serbia.”

“We had everything we needed. Some things we experienced for the first time. For example a normal house.”

School

All children who went to Norway had regularly attended school in Serbia, and continued their education in Norway. The children say that they received help in school with school assignments and language learning, as well as the support to integrate in the new environment. The children point out that they had a “nice time” in the school and describe with joy the school activities, learning methods and relationship between teachers and students.

“After we arrived we waited about ten days to get papers in order to go to school.”

“There was a teacher in the school who helped me with everything, including school assignments, Norwegian language, fitting in the environment... Each time, the teacher asked me how I was doing, whether I managed to fit in, whether I needed help.”

“We had classes of Norwegian language in the school. We even had translators in the beginning.”

“When a new student arrived, the teachers sent a few children to keep him/her company during recess time, so that the child was not alone.”

“We had to study, but we were not overburdened. They appreciated the effort and the progress you make...”

“Teachers there would show you that they care for you and want to help you. They were always ready to take some time for each of us, when we did not understand something.”

“We had various activities. We went sightseeing, cooking, skiing, swimming...”

Relations with peers

Children had different experience as regards the relations with their peers. Some children say that they were discriminated in the beginning due to their origin, while other children talk about completely different experience.

“When we arrived, I first socialized with Arabs and Russians, as well as with boys from Afghanistan and Africa. That’s how I learned English Language. In the beginning, nobody wanted to spend time with me, because I was from Serbia and because there was an Albanian girl in my class who had been in Norway for quite long. Most children were on her side. Later, when they got to know me, the things changed.”

“I managed to fit in quite well. I was the only foreigner in the class and I socialized with everyone. The fact that we spent time together in the beginning helped me a lot. That’s how I gained friends and learned the language.”

“I found real friends in Norway. They never treated me differently.”

Free time activities

During their free time, children were involved in various activities, and most of them played a sport. Older girls say that the library was one of their favourite places.

“My sister and I went to library almost every day. There was a section with Serbian books. There were books in many languages. We read a lot the books in Serbian language and listened to audio records in Norwegian language.”

“We had computers in the library. We could watch movies. There was also a playroom for younger children. Our brother used to go there.”

“Almost all children there play a sport. I also played sport, and so did my sisters.”

“We all played sport, sometimes two sports.”

Children tend to be as good as possible

“We all tried hard there to be better in school, to learn the language well, to fit in...”

“I tried to be as good a student as possible. I appreciated the opportunity we were given. Both my sister and I had very good results in school.”

“I wanted to make it easier for my parents. I did not want them to worry.”

Life of children who went to Germany



Accommodation

Three out of four children say that upon arrival in Germany their families were accommodated in a collective center.

“When you arrive in Germany the authorities decide whether to place you in a collective center or in an apartment.”

“When we arrived, we got accommodation in *hajam* – it is a collective center. In *hajam*, everybody slept in one room. It is a big room. We all shared one bathroom.”

“We were also in a collective center. Only my sister got an apartment. I think that she got the apartment because she was pregnant.”

The children state that their families spent much time at their cousins’, while two of these families even lived at their cousins’ for a while.

“We were in *hajam*, but we spent much of our time at my uncle’s. It was better there.”

“We were in *hajam* for two months, and then we stayed at my aunt’s about a month.”

“We often visited our uncle. We even lived there for some time.”

Income

Most children talk about social welfare as the main source of income, while others say that they relied on the help from their relatives.

“In *hajam*, we received food and money for one week. We received little money. It was not enough.”

“We received social help.”

“My maternal uncle helped us...and my paternal uncle also helped us when needed.”

Although they state that the social help they received was not big, all the children think that they had more opportunities for a better life in Germany.

“It was better there. We had more than here.”

“We could have a nice life. We did not have much. But we had more than here.”

School

Although all these children regularly attended school in Serbia before they went to Germany, none of these four children went to school during their stay in Germany. Two girls say that they started going to school but soon gave up, because they did not speak the language and found it hard there. Two boys say that they did not go to school at all, while one of them states that he learned German language at home with his brother. All the children say it was difficult in the beginning.

“I started going to school. I did not like it. It was hard, so I decided not to drop it.”

“I did not want to go to school. I did not know the language.”

“I did not go to school, but my cousin – my uncle’s son taught me German language. I learned a lot.”

How did the children manage in the new environment

“It was difficult in the beginning as we did not know the language.”

“It is difficult to manage in the beginning. Later, when you learn, it becomes easier.”

All the children point out positive experience with the police. They say that policemen helped them when needed, treated them nicely because they were children, and “did not treat them differently because they were Roma children”. The children point out that Roma people are treated “much better in Germany than in Serbia” and that’s why that felt good being in that environment.

“Police officer there are very nice. I you get lost in the town, they would take you home. They would also help you to find some places.”

“They helped me many times. Police officers were very good.”

“The Police in the country never insult people. They never yell. They would not look askance at you because you are Roma.”

“Here, everyone can insult you on national ground. It never happens. there It is not allowed there to say Gipsies.”

“Here, one can often here: Gipsies, Muslims...but is irrelevant there. One’s national or religious background is irrelevant there.”

“Even the police here would not save you sometimes if somebody attacks you. It is never the case there.”

Relations with peers

“We mostly spent time with Roma. We had much fun at Roma parties.”

“I did not have many friends there. I did not like it there. I have more friends in Serbia.”

“I had a great time. I had great friends. I even socialized with some Germans.”

Life of a girl who went to Sweden



Accommodation

“We had accommodation in a collective center, but we lived at my aunt’s. It was great during the first year. Then, there were some quarrels between my aunt and my parents.”

Income

“We received social help – 800 Euros a month. It was enough for living. It was great.”

School

“When we arrived, we reported to a center, and after 10 days they sent us papers for school.”

“I instantly enrolled primary school. Teachers helped me a lot to fit in. They talked to me when I had a problem or did not understand a lesson. I instantly started learning Swedish. It was not hard. The language is easy to learn. Since I was a fast-learner, after two or three months they transferred me to the Gymnasium. It was great. They accepted me very well. I had many friends and many good girlfriends.”

Life of a girl who went to Switzerland



“That man lied that he was my father and sold me to unknown people for money. I did not know where I was. I did not know I was leaving the house. These were the rules. That family tried to force me to respect strict Muslim tradition and to behave as a real wife of their son. Their son was very nice and I managed to explain him that I could not do that. I also explained him how we could pretend and do everything they asked of us, and he agreed. He did not touch me.”

STATUS OF ASYSUM SEEKERS

Families of the children who went to Norway filed a request for asylum. Two families sought asylum in Germany and two in Sweden. None of these families were granted the asylum.

„Posle godinu dana smo dobili prvi negativ. Onda za par meseci i drugi. Imali smo mesec dana da napustimo Švedsku.“

“After a year, we got negative answer. Couple of months later we got another negative answer. We had one month to leave Sweden.”

“We were not granted asylum. My mother complained. Even the Children’s Ombudsman came because of our case. Everybody protested because we did not get approval to stay, although we were fully integrated. We were in Norway for two and a half years. I guess that their law stipulates that children can stay after two years, but we needed a few more months.”

“My mother came one day and said that we had to go back home, to Serbia. She signed a paper to go back. That’s how we returned the first time when we were in Germany.”



RETURN TO SERBIA

Families who were in Germany and Sweden returned to Serbia voluntarily. The children point out that their families did that in order not to be forbidden to enter the country again.

“Although they gave us one month to leave Sweden, my parents wanted us to go back immediately, so that I could start going to school in time. We even got flight tickets for the return. I was very sorry to go back. I went to school to say goodbye to everyone. Everybody cried because I was leaving. A girlfriend of mine from Sweden and her family offered me to

stay at their place and continue the school there. I wanted to stay, but my parents did not want to leave me by myself. Although I wanted to stay back then, now I think that my parents did the right thing.“

“You have to go back home, in order not to be forbidden to come again.“

“We had to return, but we will leave again soon.“

Families who were in Norway did not leave the country within the given deadline, which is why they were deported and forbidden to enter the country during the next five years.

“We did not return immediately, but we waited. We hoped that a different decision would be made, because my parents complained.“

“My mother said that we would not hide. We continued a normal life. We did not expect that everything would happen so quickly.”

“One morning the police came. They woke us up. They had a paper with a decision on deportation. We had ten minutes to pack. My mother asked them to give us more time. She cried. So they gave us half an hour. The police officers said that they were just doing their job.”

“I was in shock. I did not even have time to think. I was not aware what was happening.”

“You feel happy when you come back and see everyone you missed.”

These children point out that it is very important that the parents tell their children in time, especially older children, that they would have to go back and prepare them for the living in Serbia.

“It is important that the adults tell the children that it would be hard, that they would have less – less staff, less candies; that the school would be more difficult...parents should tell their children all this.”
“Older children should be told immediately about the return, so that they could be prepared for what would happen.”

CHILDREN DESCRIBE THE RETURN

“They put us in a bus which was parked at the front. During the trip, other families entered the bus. They took us to the airport. We waited there for a few hours. My mother talked to police. She told them our story. Those police officers made an impression on me. They also cried when we were leaving.

“I was very sad in the airplane, as if my entire world collapsed.”

The girl who had been forced into marriage in Switzerland managed to explain her situation to the family that she married into, and returned to Serbia with their help.

“I found some strength to tell them who I was, how I had lived...to tell them that I was a Roma girl, but that I was not raised by their custom. I was raised under institutional care and I had never lived as Roma people. I was scared. Such families would sell you after six months or one year if you don't get pregnant. But somehow I managed to explain them what had happened. Then, they put me on a bus for Serbia and told the driver to tell me where to get off. I was lucky. I was very lucky because I managed to get out of there.”

LIFE AFTER THE RETURN TO SERBIA

Upon their return to Serbia, children who had been in Norway went back to the collective center in Resnik. The children say that they received some financial help and that after a while their parents found jobs. The families also received help from a non-governmental organization.

“When we returned, they gave us a room in a shack but it was so humid there that we had to leave the place.”

“The state authorities said that we could stay there for seven days, and then to find some other place.”

“We returned to the camp in Resnik. We returned to the same place that we had left. We live in shacks.”

“They gave us some money, but very little. It was more important to help the parents to find a job, because when you spend the money, what then!”

“My mother was jobless for long time. She was with us, to help us fit in. Besides, she could not find a job.”

“My parents managed to find jobs several months later, maybe even more. My father is a watchman at the same place where he worked before. He managed somehow to get the job back.”

“People from the organization Group 484 came to ask if we needed anything. They helped us in the beginning.”

Soon after their return to Serbia, many children started regular school, but said that it was difficult in the school from the very beginning. They say that the learning material was hard, that they had a lot to study and that language was sometimes a problem.

“It might have been about ten days since we arrived. My mother and aunt enrolled us in school as soon as we came. So we started going to school.”

“I am stressed about the school. We were first told that we had time; that we would catch up soon, and then they suddenly started testing us. I found it very hard. There was nobody to help me with the studying.”

“I had much difficulty with Cyrillic. I had been there since the first grade.”

“We do not get the same support here as we did there. We get support only from the homeroom teacher and psychologist.”

“I am trying to be good at school, to get good grades. I don’t have free time at all. I study all day. I don’t play sport anymore.”

The children point out, in particular, that their peers do not understand what they have gone through.

“It is important that our friends at school know, to understand...”

“Some say, ‘What do you care, you had a great time there. Now you are back, so what...’”

“Some feel pity for us. Some say that we are now like prisoners because we cannot go back there. Some think that we are putting on airs, because we always complain about something.”

“I have some girlfriends that I can talk to. I told them about Norway.”

“It is more difficult to find real friends here. We socialize and everything is great. But somehow I feel that they are not my real friends. I could not take them to the place where I live. Everybody would tease me.”

“A girlfriend in the camp helped us a lot. We are always at her place. We spend time together. We watch movies.”

Children who voluntarily returned from Germany and Sweden live again in informal settlements in Belgrade, where they lived before. Their parents have the same jobs as they had before.

“We returned home”

“We live again in Makiš, where we lived before.”

“It’s the same as before. Parents work. They collect secondary raw materials.”

“My father does some work”

Although all the children attended regular school before, when they returned they all enrolled school for adults.

“Now I go to school here. In Sweden, I went to Gymnasium. We returned in April, and I started going to school as late as November. There were some problems with papers.”

“The school here is great. We have more freedom, and we learn the same. The only difference is that we don’t have gym, visual art and music, because there are no adequate classrooms.”

“Some in this school don’t want to study. They come here with no purpose. There are some pupils who want to fight. One can get easily misled.”

“We are in the age-fellow team. We participate in the ‘School without Violence’. I think it’s great.”

A girl who returned from Switzerland lives independently now, with assistance from a non-governmental organization, which helps her with employment. She is expecting a child and plans joint life with her boyfriend.

“When I came back, I was first in the Safe House. Later, Atina helped me to live independently. Since I got pregnant, I’ve found peace and become more mature. Now I’ll start living with my boyfriend. Although I want that, it will not be easy because I’ve got used to be alone. He is a Muslim. I cannot respect all the customs and they will have to accept that. It is important that my boyfriend supports me in this. Although he was not on my side last time, which is why we had a fight, he is always on my side. They used to put pressure on me with some Muslim customs that I did not want to accept. I went to Atina. They helped me. Now I will try to live with them. If I don’t get along after a month, I will leave. Now I have a job. I earn money and I could rent a flat. I am strong and proud.”

Therefore, the girl emphasizes the support that she received from the non-governmental organization “Atina” when she returned from Switzerland.

“They talked to me a lot about my problems. We also had many workshops. When I had a problem around 2 after midnight, they came. Nobody else treated me like that. They took me to the Safe House. I immediately found a job. My work is my greatest support. I don’t depend on anyone.”

CHILDREN’S REFLECTION ON THE MIGRATION EXPERIENCE

Children who were returned from Norway state that it was very hard when they came back, but it got better in time.

“I was under a great stress when we came back. My mother and aunt gave me hope that we would go back. The encouragements were in vain. It will never be better, never as good as there, and we will not go there again.”

“It gets worse when one starts comparing and see that it is much better there, and that you could have a better life. That’s when one gets very sad.”

“In the beginning, it was very hard. Later it gets easier. You think maybe you’ll go back. Later you start thinking it’s not too bad, it’s not the end of the world...one can live here too.”

“Eventually, one accepts it. You are here and you have to live with it.”

The children point out that the worst problem is that they do not really understand why they had to return. They claim that they were told it was a political decision “which should help Serbia to join the European Union.”

“I want someone to explain me why we are here, why it is better to return, and why would it be useful to anything. I would feel better.”

“Why is the politics running our lives? It is not fair that politicians’ signatures decide on your destiny. There was enough place for more people. There was a place for us. We were happy there. Did anyone think about it?”

“Why did we have to return because of Serbia’s accession to the European Union, as I see that it will not happen soon?”

“Children should be allowed to meet and talk to those who have power to make decisions.”

Messages to children who have been deported

“You should not be afraid. It’s not so hard. Just in the beginning, but later it will go away.”

“Eventually, you will get used to it. Nobody is to blame because you have to return. You should not be mad or angry. Those are the rules.”

“You should not be alone. That’s the last thing you could do, because you do need a support.”

“It is important that your peers are here for you when you come.”

All these children think that their parents’ decision to leave the country was correct, and believe that their experience is valuable. The children point out the importance

of their being able to compare the life in both countries, saying that it helped them to “better understand certain things”.

“I think that our parents did the right thing.”

“Had I stayed, I would not be able to make the comparison. Before, I thought that certain things here were OK. Now, I know it is not the case. And I know that I want to go to University there, to live and work there.”

“I gained much more there. And I learned how to appreciate that.”

“This experience taught us not to take certain things for granted. Things could be worse.”

“While I was there, I realized what the rights of the child meant. And I did have my child rights.”

“When a child there needs something, they might not be able to provide that, but at least they will try. Here, there is always someone who tells you to “wait”. People there are more considerate to each other, maybe because their circumstances are better. However, I think it is not the sole reason.”

“I am much more mature now. I could help someone who is going through the same experience.”

Children who voluntarily returned from Germany and Sweden did not take so bad the return to the country. All these children say that they are fine in Serbia.

“I was sorry to leave because of the school. But now, I am happy here with my friends. I am again with my best girlfriend. Many things are going on here – both good and bad. Now I am happy that I came back.”

“I felt kind of bad in the beginning, because I had found a boyfriend there.”

“I did not have friends in Germany. It is great here. The school is great and I have great friends.”

“I liked it better in Germany. We had a better life, but it’s also fine here.”

The children, however, agree with the decision of their parents to leave Serbia. Some of them think that their families will try to leave the country again.

“We were there and saw the life there.”

“We saw that there is a better life. We had a nice time.”

“Maybe we will leave again. We were there twice, so we might go there again.”

“I think we will go to Germany again.”

The girl who returned from Switzerland states that her experience has changed her.

“Now, I have self-respect. I appreciate myself. That man took me to various places. I would not let that happen now. Atina helped me a lot to change myself.”

**. . . THEY
DID NOT
CHECK WHAT
WE HAD,
THEY JUST
DISPLACED
US...**

CHILDREN WHO MOVE WITHIN THE COUNTRY BORDERS

Six children of Roma nationality took part in this research. There were five boys and one girl, aged between 12 and 17, who experienced migration within the country borders, as well as forced displacement from illegal communities in Belgrade. Two children came from the families who were internally displaced from Kosovo in 1999. The girl was even born during the displacement. Four children moved to Belgrade from inland. Two brothers came from Prokuplje with their family, while two other boys moved from Bojnik municipality with their families.

“We lived in Prokuplje. We came to Belgrade a long time ago. We even don’t remember that. Both my brother and I were very little.”

“We moved from Bojnik near Leskovac to Belgrade. Many of us came to Belgrade - half the village population, maybe more. I was seven years old when we came. I came with my mother, father, four brothers and four sisters.”

“It was best in Bojnik, because my house is there. I feel I would like to be there, but I don’t know how to explain that. I had good friends there.”

“It was great in Bojnik. I went to school. I liked school. I had good friends. I was younger then.”

REASONS WHY FAMILIES CAME TO BELGRADE

Children who came from inland point out that their families came to Belgrade because there “was no job” at the places where they had lived.

“We came here for job. There are no jobs in the village. You have nothing to do. Especially during winter. Here, you can always find a job. I am the oldest among my brothers and I work with my father. It’s only two of us who work. I have four brothers and four sisters.”

“My parents came for job. It’s better if you are in a bigger city. There are more jobs in Belgrade.”

LIFE IN ILLEGAL SETTLEMENTS AND FORCED DISPLACEMENT

All families lived in illegal settlements when they arrived in Belgrade.

“First we lived in a settlement at *Staro sajmište*. Later we lived in Belvil. My father and I built a shack. It was great in Belvil because I had friends.”

“First we lived in Belvil. There was much trash and mud, but there were also many friends and girls.”

“We were from Belvil. Before, we had a shack there.”

Most families lived in informal settlements in Novi Belgrade, near the new settlement of Belvil, so the new informal settlement was given the same name. Based on decisions of the city authorities, all inhabitants of this community were forcefully displaced in April 2012. Families were displaced based on the address of residence stated in the documents. So, one family was returned to Bojnik, while others were moved to a newly established settlement Makiš in Belgrade.

“They displaced us all. They returned us to Bojnik.”

“They put us on the bus. I knew they were sending us back to Bojnik. It was written on the bus.”

“They moved us to Makiš and gave us containers.”

“They did not check what we had, they just displaced us.”

When asked why they were forcefully displaced, the children state:

“Politicians decided so. It was the Mayor Đilas.”

“They moved us because they thought we were a nuisance. I understand why Serbs were bothered by Roma people who lived in Belvil before. They often burned tyres although it was forbidden and caused a terrible smell. There was much trash and rumble. There was always much noise. It probably bothered those who lived close, especially those with small children.”

“They forced us away, allegedly for our own sake. They gave us containers. It was not better in the containers.”

LIFE AFTER FORCED DISPLACEMENT AND ON THE MOVE AGAIN

Two boys who were sent back to Bojnik with their family say that their families were engaged in agriculture activities and worked for daily wages after they returned. The boys were oldest children in their families so they worked with their fathers. Both the boys say that it was “great when they returned to Bojnik”.

“When we arrived in Bojnik, we did some land tilling. But one cannot live on land. Later, my father and I worked for daily wages.”

“When we returned to Bojnik, we worked with fruit. My father and I picked fruit at some people’s place. But it was just temporarily.”

“It is great there, because of my friends.”

“You know how it is in a village - fresh air, beautiful landscape. I use to take walks, hang out with my friends...”

Both families soon returned to Belgrade “for job” as the children say.

“My father and I came first. We arrived by bus. We knew some people who had already lived in shacks in Vidikovac. We bought materials there and we built it ourselves. Then, my mother came with brothers and sisters. When she saw the shack, she told us that we did a great job. We have been here in Vidikovac ever since. It is easier to find a job in Belgrade. That’s why we came here again. There are no jobs down there.”

“My father and mother came first to find us a place to live. Then we came. We live at Belvil again, but a bit farther. It is better there. We have water in the vicinity, and at night we have electricity connection via cables. Sometimes at night, Serbs come and cut the cables, but we connect them again, and so on...It is best to live there. It is close. Market place is close,

so we can work there. It's just bad that I don't have friends there.”

When the families were forcefully displaced from the illegal community in Belvil, four children were moved to Makiš with their families. The families were given containers to live there.

“They moved us to Makiš. They gave us some containers. It's true that containers are better than shacks, but it was terrible during summer, because the metal sheet gets warm and one cannot breathe inside. And when it was cold and rainy, it was humid and wet inside, and water came out in drops at the corners.”

“When you live in Makiš, everything is far. The closest shop was far. Bus lines are quite rare. When we lived there, we did not even go to the Day Center / orig. *Dnevni centar*/ regularly.”

“We were given three shacks. Two shacks were here, and the third one was there, much further. We did not have room for our stuff and furniture.”

“I need a house, not a container in Makiš, which does not have enough room for all of us, and is far from everything. Besides, it's silly to sleep in the same bed with my father because I am not a little child anymore.”

Three children point out that due to the distance from town and the fact that they lived in containers, their families decided to leave Makiš. One family was not allowed to stay in the settlement due to a “fight”. All the families now live in the informal settlement in Vidikovac.

“We went to Vidikovac. We built a shack.”

“In Makiš, one has the right to three mistakes. My father had a fight, so we had to move out. We went to Vidikovac. Now we have a shack there.”

Life in the informal settlement in Vidikovac

“Vidikovac is better for us. We collect cardboard. There is a market place where we can sell old stuff, old clothes...I like it better now, because all my friends are here. But there is much mud. Too much mud. We have shoes that we wear until we get to the road, and then we hide them and wear other shoes.”

“There is much fighting at Vidikovac. Mostly because of drugs. They don't give drugs to children. When they offered it to me, I would refuse. My parents tell me that drugs are dangerous. I was told the same at the Day Center. Some friends of mine take drugs, but I avoid them.

I spend time with other friends. Sometime we go to the school playground and play football. Nobody forbids us to be there.”

Significance of the settlement location

All the children point out that the location of settlement they live in is very important for their parents, because the location affects their job options. Collection of secondary raw materials, in addition to the sale of stuff, is the main activity of these families. Both the parents and their children are involved in this activity. That is why it is important to these families to live close to bigger settlements.

“When we lived in Makiš, it was far from everything. The market place was not close, and we didn’t have a place to work.”

“We moved to a place where we could have more work. My father cannot travel from Makiš and change two means of transportation. He would have to bring all the stuff that he collects.”

“It is good to live somewhere close to the center, or maybe in New Belgrade, where the shopping centers are located.”

HOW DO THE CHILDREN CONTRIBUTE TO THEIR FAMILIES WITH THEIR WORK

All the children point out that their work contributes to the family income. Three boys aged between 15 and 17, who are the oldest sons in their families, help their fathers on daily basis, while the other two boys and the girl say that they work occasionally. The children are positive about the possibility to financially contribute to their families.

“I am the oldest. It is great that I could help. I don’t find it hard. It is important when children can work and help their families. I am happy when I earn some money. I get some of the money; they always give me some.”

“One can earn money. It depends - sometimes one can earn more, sometimes less. When I earn money, I give it to my mother, but she always gives some back to me.”

“On weekends, when we don’t go to school, we work. That’s how we help.”

Children perform various types of work. Most of it includes work on the street or seasonal work.

“I worked with my sister with wipers. But it was the case before. I don’t do that anymore.”

“I usually collect copper.”

“We go to Ritopek. We pick cherries and apricots. People there help us a lot, as they helped us to get the job there. They treat us well. They even give us food. They pay us regularly. My father worked there when he was young. Now we work there together. I like working in Ritopek.”

“During summer we travel to Prokuplje. People from the settlement go there together, as a group. Sometimes there are 20 people. There are many of us between 15 and 16 years old. We travel by bus, and when we get there, we sit in the town center. Then, people ask us if we need a job. We pick apricots there. They give us a flat. We stay there between 10 and 15 days, and then we go back. We do that in summer.”

“We mostly collect cardboard and paper.”

All the children say that they were panhandlers for a while. However, they say that they stopped doing that since they started going to *Svratište* and the Day Center for children from the street.

“I panhandled at the parking in New Belgrade. It was before I started going to the Day Center. Now I think it’s stupid to do that.”

“I worked on the street with my sister. Had we not started going to *Svratište*, we would still be working on the street.”

“I panhandled with some friend from childhood. Then, people from Day Center found me. I don’t panhandle anymore.”

THE HOSTEL /SVRATIŠTE/ AND THE DAY CENTER FOR CHILDREN FROM THE STREET

Children who took part in the research are beneficiaries of *Svratište* and Day Center for children from the street. These places are managed by a non-governmental organization. They were referred to these services by other children or field workers who contacted them while they worked on the street.

“Mare found me while I was working at the parking. He said he wanted to show me the Day Center. At first, I thought he would call the police, but he told us he wanted to help. So I believed him.”

“I have been going to *Svratište* for two years. My girlfriends showed me the place. First time when I went there I thought it was an institution, so I wanted to give them a false name. Then, they explained me it was not an institution. The second day I went there, I already liked it.”

“They found us and told us about *Svratište*. On the following day, we met them and went there together. We have been going there ever since. We got used to going there.”

Children are saying why they like going to *Svratište* and Day Center.

“I like going to the Day Center because we can have a bath there. We can also have lunch. The food is great. We study with teachers. I also took my brother there.”

“I am happy when I come to *Svratište*. We watch TV, we spend time together, take a bath. We have workshops for the prevention of diseases. We study and do our homework. They teach us what is dangerous and what is not dangerous...”

“Children can get support there. The Day Center is very important for all of us. It should exist for the sake of children who live like us.”

“I feel great there. That’s why I keep coming. I am there every day.”

“We study and sometimes we go on picnic...”

They say that the problem is in the distance between *Svratište* and the Day Center and the settlements where they live.

“When we lived in Makiš, many children stopped coming to the Day Center. It was very far. I did not go there regularly.”

“Now we change two means of transportation until we get from Vidikovac to the Day Center. It is far. But we go there every day, except on weekends. We take a bath, wash our faces and go to school together.”

“It would be much easier for me if the Center was closer.”

All the children say that they have their parents’ support to go to *Svratište* and the Day Center.

“My parents tell me that I should go there. To learn to read and write and spend time with my friends.”

“My parents think it is good for me, because I get food there and I can take a bath. And also because I study and do my homework.”

EDUCATION

Boys who came from Bojnik municipality had attended there school regularly. One boy completed two grades and the other four grades. Neither of them continued regular education when they came to Belgrade. Since they started coming to the Day Center, they have had informal education.

“Since I’ve been in Belgrade, I have not attended school. I go to the Day Center two or three times a week. I learn there to read and write.”

“I went to school in Bojnik. When we came here I stopped going to school. We asked the school to send us documents. A little bit in school, a little bit in the Day Center, so I learned to write. I like love songs. At the Center, I read together with my teacher. We read “Garavi sokak”. Those songs help me. I would like to go to school again. I was told in *Svratište* that they would enrol me in school.”

The other children go to school for adults. All the children state that before school they first go to *Svratište* and the Day Center, and many children also go there after school. Two children enrolled school although they did not have documents.

“I go to school. First I go to *Svratište*, where I have lunch there and wash myself. We play football in the little park, and then we all go to school together. After school, I go to *Svratište* again. We eat there. We do our homework there.”

“People from that school came to the settlement once and asked who did not have documents and wanted to go to school. We applied and they took us to school. The bus came for us and took us to school. I said to my mother: It’s not enough just to know how to write my name. I want to learn to calculate, so that I don’t get tricked when I get my change. I like to go to school. I would like to go to regular school. I also intend to go to secondary school.”

“It was great in the school in Zemun. We had a great psychologist. He helped us. We could talk him whenever we had a problem. We also had a gym room in that school. And we had a computer room. I did not like the second school, where they transferred us. We are not allowed to stay in the yard after school. They chase us away immediately. There are many children in my class and teachers do not really try much to teach us something.”

“Some children in the school are fooling around.

Sometime they bother me. When you report it to your teacher, the teacher helps you.”

The children say that their parents support their going to school.

“Parents tell us that it’s great that we go to school and to the Day Center, because we don’t have to p-handle. Parents are happy with that.”

“I said I wanted to go to school. They said ‘go.’”

“Parents hardly waited for us to start school.”

CHILDREN’S EXPERIENCE WITH THE SOCIAL WELFARE INSTITUTIONS

Four children say that they had experience with social welfare services. The children talk about fear that the social workers would “send them to an institution”, and do not believe that these services could help them.

“I met them the first time when they caught us working on the street. They want to put children in an institution. They catch you and then put you in the institution. We were afraid of that.”

“First she said she would help us, but in fact she wanted to take the kids. Last time when she came, my mother wanted to send her away.”

“When people from *Svratište* came, we thought that they were from the social welfare center. We were afraid that they would take us to an institution.”

The children also say that they are afraid of the police, because “they can call the social welfare center to take them to an institution.”

PROBLEM WITH PERSONAL DOCUMENTS

The children whose parents are internally displaced from Kosovo state that they had problems to settle the situation with their personal identification documents.

“Few years ago my mother filed a request for papers. Some stuff arrived from Kosovo just now. If you don’t have papers and end up in the institution, your parents cannot take you out.”

DISCRIMINATION PROBLEM

All the children mention discrimination and violence to which they are exposed in the environment.

“People in school always think that we are creating problems. Teachers think that we are Roma people who don’t want to study at all.”

“Serbs often tease us in the bus. They say, ‘You, Gipsy people, why did not Hitler kill you!’”

“Police officers tell us, ‘You, Gipsies, you’ve been steeling around the whole city, and now it’s hard for you to have an ID card! I will put you all in the institution.’”

“They keep telling us that we are Gipsies. Some even want to attack us.”

“Some Serbs come by car in the evening and cut all our cables.”

One boy mentioned a positive example in the environment.

“Sometimes I go to the school playground with my friends, in our neighbourhood. We also play with others, and nobody bothers us. We also get along with Serbs.”

WHOM DO THE CHILDREN SEE AS A SUPPORT

The children indicate that their families offer them support. It is often the father, which is the case with boys in particular, but they also mention their brothers and sisters. Two boys state that they get support from their fathers. Since they have several brothers and sisters, they say that they are closer to some siblings than to others and think of them as the most important support.

“My family is my support. My father helps me the most. I also help him. We get along well. My father gives me advices. I say ‘all right.’”

“They threatened me. I accidentally hit a boy with a ball at the school. They wanted to beat us with batons. Eventually, I called my father to come to school. I thought it would be better if he comes and helps us to resolve the problem.”

“I am always with my brother and he is very important to me. I took him to the Day Center.”

“We are brother and sister, but not full siblings. We do everything together.”

“My brother is my support.”

On the other hand, some children say that their friends give them support, often those they work with.

“I have my childhood friends, with whom I worked – panhandled. They help me sometimes.”

One boy says that those who “give him job” are his big support.

“Those people in Ritopek who give us the job help us a lot.”

All the children see the people in *Svratište* and the Day Center as their support.

“My teachers are my support. If I had a problem I would tell them.”

“One can get support in *Svratište*...If you have problems with your parents or some love issues.”

“I know that people in the Day Center care about me. They are my support.”

REFLECTION ON THE MIGRATION EXPERIENCE

“I had a nice time in Bojnik. In Belgrade, there are more options to earn for living. I had the best time in Belvil, mostly because of my friends. However, the life in Belgrade has more cons than pros.

“I don’t know. I think it’s good that we came here. There are more jobs.”

“There are some good and some bad things.”

WISHES AND PLANS OF THE CHILDREN

Talking about future, the children state their plans concerning their further education, and sometimes they talk about their plans to go abroad.

“To enrol school. That’s what I want. I will be better with school.”

“My plan is to go to secondary school and become a hairdresser. And to continue going to *Svratište*”

“We would like to go abroad. Many people we know went abroad and they all say it is much better there. One would immediately get money, a house, and one can also get a job...”

“I would like to leave this place. We have been told that it is much better abroad. We’ve heard that from some people who are already there. But should we go there, we would go all together.”

7. PROTECTION PROGRAMS FOR CHILDREN ON THE MOVE

Social Welfare

Bearing in mind the important role of the social welfare system in Serbia in the protection of vulnerable groups of children, that is, children on the move, it is important to once more refer to the basic characteristics of the system. Article 2 of the Law on Social Welfare defines social welfare as *organized social activity of public interest aimed at the provision of assistance and preparation of individuals and families for independent and productive life in the community, as well as the prevention and elimination of consequences of social exclusion.*¹

1 This law defines social welfare goals, which are achieved through the provision of services in this area and the goals of other activities that prevent, decrease or eliminate the individual and family dependence on social welfare services, as follows:

- 1) achieve and/or maintain the minimal material security and independence of individuals and families in the fulfilment of their existential needs;
- 2) ensure availability of services and implementation of the rights in the field of social welfare;
- 3) create equal opportunities for independent life and promote social inclusion;
- 4) preserve and improve family relations, and enhance family, gender, and inter-generation solidarity;
- 5) prevent abuse, neglect or exploitation and/or removal of the consequences thereof.

● In the description of values on which the social welfare system is based, the following principles have been established:

- respect of integrity and dignity
- prohibition of discrimination
- the best interest
- the least restrictive environment
- efficiency
- timeliness
- comprehensiveness
- improvement of quality
- transparency

1 Law on Social Welfare, Article 2, "Official Gazette of RS", No. 24/2011

- availability and individualization²

The set of rights of the social welfare beneficiaries is defined in particular:

- right to information
- right to participate in the decision making
- right to free choice of services
- right to confidentiality of data
- right to privacy
- right to complaint³

The social welfare services are further defined as the *activities of support and assistance to the beneficiary aimed at the improvement and/or preservation of the quality of life, elimination or mitigation of risks resulting from unfavourable living circumstances, as well as the creation of possibilities for independent living*, as follows:

- assessment and planning
- daily services in the community
- support independent living
- therapeutic counselling and social-educative services
- accommodation services

Depending on the beneficiaries' needs, the Law provides for inter-sectoral services, that is, a *possibility to provide services parallelly and in combination with those provided by educational and health institutions, and other institutions*. The Law also lays obligation on institutions within the existing system to cooperate *with the institutions of pre-school, primary, secondary and high education, health institutions, police, judicial and other state bodies, territorial autonomy bodies, that is, the units of local self-governance, associations and other legal and natural persons*⁴.

Bearing in mind the focus of the research, that is, the group of children of migrants who are not citizens of the Republic of Serbia, the definition of beneficiaries of the social welfare services is quite significant. According to the Law, in addition to the citizens of the Republic of Serbia, the category of beneficiaries also includes foreign citizens and persons without a citizenship⁵.

2 Law on Social Welfare, Articles 24–33, “Official Gazette of RS”, No. 24/2011

3 Ibid., Articles 34–39, “Official Gazette of RS”, No. 24/2011.

4 Ibid., Articles 5, 7, 40 and 58, “Official Gazette of RS”, No. 24/2011.

5 Ibid., Article 6, “Official Gazette of RS”, No. 24/2011

The significance and role of the social welfare system in the protection of children on the move and/or prevention of victimization of particularly vulnerable groups of children, is defined under Article 41: *A child may be a beneficiary of rights or services if the family circumstances or other living circumstances have jeopardized the child's life, safety and development, that is, if evident that the child cannot achieve an optimal level of development without the social welfare support, in particular:*

1. *if without parental care or at risk to be deprived of parental care;*
2. *if the child's parent, guardian or other person providing direct care to the child is not able to provide the care without the social welfare support, due to health issues, mental illness, intellectual difficulties, or unfavourable socio-economic circumstances;*
3. *if experiencing growth difficulties (physical, intellectual, mental, sensitive, speech and language impairment, socio-economic, multiple), whereas the child's needs for care and material security go beyond the possibilities of the family;*
4. *if in conflict with parents, guardian or community and if the child's behaviour poses threat to both himself/herself and the environment;*
5. *if facing difficulties due to the abuse of alcohol, drugs or other narcotics;*
6. *if at risk of becoming or has become a victim of abuse, neglect, violence and exploitation, that is, if the child's physical, psychological or emotional welfare and development are jeopardized due to actions or failures of his/her parents, guardian or another person providing direct care;*
7. *if a victim of human trafficking;*
8. *if a foreign citizen or a stateless person without an escort;*
9. *if the child's parents are in dispute as to the manner of exercising their parental rights;*
10. *in case of other needs for social protection.*

It is absolutely clear that the social welfare system in Serbia is responsible for the improvement of position of the children on the move, and that further development of this system and, in particular, the establishment of more efficient multi-sectoral cooperation is essential for the implementation of basic rights of the children on the move.

According to the Law on Social Welfare, the social welfare center is an institution for social protection that ensures the exercising of rights, application of measures, provision of services, and other activities in the field of social protection. In the execution of public authorizations, the social welfare center performs the activities defined by the Law on Social Welfare, as well as the Family Law and other related laws and bylaws.

The Chapter *Phenomenon of Children on the Move* (Chart 1) discussed the number of children-beneficiaries of the social welfare system services, whereas this section will provide available records on specific services and measures implemented by the social welfare centers since 2011, in order to provide some insight in the adequacy of the social welfare system and its responses to the needs of the children on the move. Therefore, one should bear in mind that the social welfare system does not recognize the children on the move as a beneficiary group; instead, the available programs and their effects can be analyzed based on the data about specific categories of children on the move, which was discussed more in the introductory chapters herein.

In functioning of the guardianship bodies, the social welfare center undertakes different measures of family protection, such as the supervision over the exercise of parental rights (preventive supervision is performed by a guardianship body in order to enable the parents to exercise their parental rights, and the corrective supervision is aimed at correcting the parents' actions in the exercise of parental rights⁶), provision of guardianship⁷ and foster care and/or implementation of other types of assistance and support to vulnerable families/children in order to preserve or (re)-establish the balance and functioning of the family. In 2011, the measures of supervision over the exercise of parental rights included 3492 children, whereby both measures (preventive and corrective supervision) were applied in 3.26% cases. Although the information available in reports of the centers were not interpreted in this manner, this figure indicates that the preventive supervision measures had expected results and/or are still being applied in 96.74% cases (Chart 14).

6 Family Law, "Official Gazette of RS", No.18/2005 and 72/2011 – state law

7 A child without parental care is placed under guardianship care

This assumption should be further checked, particularly in light of the research findings confirming the fact that neither the beneficiaries nor the stakeholder organizations (especially civil society organizations) in the social welfare system agree with the statement that achievements in the field of protection of children on the move would be sufficient.

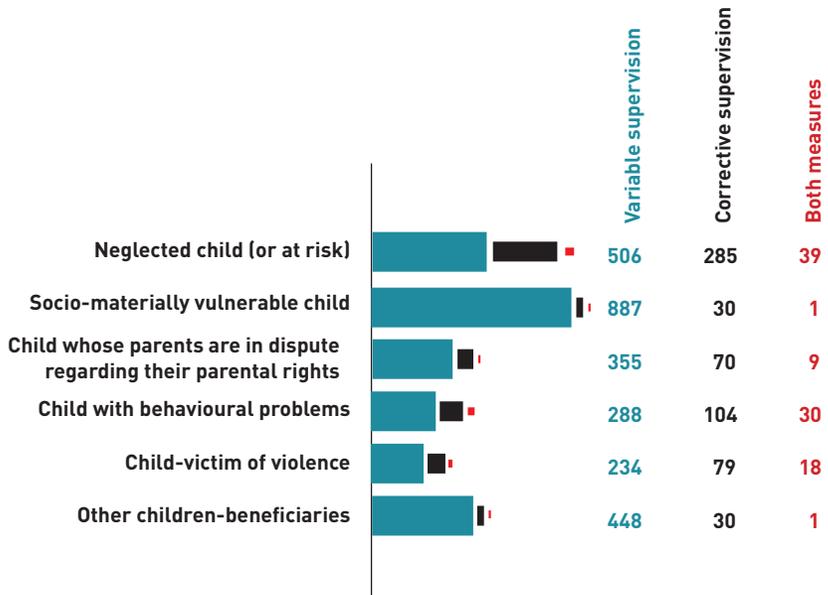


Chart 14. Number of children covered with the supervision over the exercise of parental rights in 2011 (data from the Republic Social Welfare Institute)

Given that the research results show that the children from the group of children on the move can be found in all beneficiary groups of the social welfare center, we can assume that some of the referenced measures were applied in the protection of children on the move.

Guardianship

However, the civil society organizations active in the provision of various types of assistance to children-victims of human trafficking and children who live and/or work on the street have reported that neither the preventive nor corrective measures were applied in all cases in which such measures were necessary according to experts from these organizations.

We organized a case conference on several occasions and presented to the Center that a girl was in a family that neglected her, according to indications, and there was a suspicion that her father participated in exploitation. They are extremely poor and literally have nothing to eat. So far, no sustainable solution has been found for the girl's integration, nor have the supervision measures been introduced in relation to the exercise of parental rights.

According to the Family Law, the guardianship care includes interrelated legal interventions and social protection measures in dealing with various problems occurring in a family. The Family Law stipulates that a person appointed as a guardian shall have personality and capabilities required for the performance of this duty. A guardian can primarily be a spouse, relative or foster parent. There can be one guardian for several beneficiaries (Article 129). Guardian can also be the director or employee of a social welfare institution for the accommodation of beneficiaries (collective guardian, Article 130). Direct guardianship (Article 131) means that the guardianship body itself directly executes the function, while the temporary guardianship (Article 132) is chosen if assessed necessary for the purpose of temporary protection of a person, rights or interests of beneficiaries or children under parental care. Collision guardian (paragraph 2, subparagraph 3) is assigned to a person whose interests are contrary to the interests of his/her legal representative, and persons who have confronted interests but the same legal representative. Given that the persons with unknown residence who do not have a legal representative or authorized representative (paragraph 2, subparagraph 1) and foreign citizens on the territory of the country (paragraph 2, subparagraph 4) are assigned temporary guardians, the guardianship is one of the measures applied in the system of protection of children on the move in the Republic of Serbia.

During 2011, 9421 children were covered with guardianship care measures in the Republic of Serbia (Chart 15).

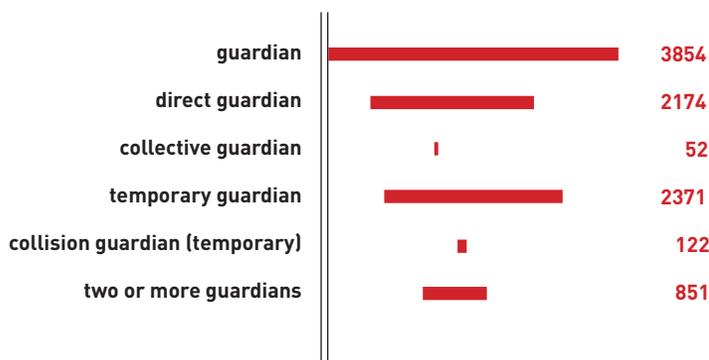


Chart 15: Number of children covered with guardianship care measures in 2011 (data of the Republic Social Welfare Institute)

In most cases (27.4%), the guardian care measure was applied due to the child neglect by the parents, and in significant number of cases (18.6%) the reason for application of the measure remained uninvestigated (some other situations were involved).



Children talk about social workers

"If I were a social work, I would give myself another chance, although I was a problematic person. Social workers should talk more with children. I understand that they are probably very busy and work on difficult cases, such as mine. But I had nobody else to help me, except them."*

"When you are a social worker, you should not consider children as your job, as something you are paid for, but to view a child as a child. It is important to show love. It is very hard when you feel there is nobody to show you affection."

"Those who work with children – if they say that they will help, then they should really help."

"When you are in trouble, they should say 'let's work this through'. Many times I did not know what to do in difficult situations."

(* children's statements are hereinafter marked with a curve side line

Children's distrust in institutions

When it comes to children who took part in the research, the distrust in the social welfare center is quite observable in children who experienced work on the street.

"The worst women work in the social welfare center. They don't provide any help."

"The first time when we met those who worked in the center was when they caught us working on the street. They catch you and put you in an institution. That was our greatest fear."

"First she said she would help us. But she did not help us. The last time when she came, my mother threw her out."

"When I see them, I come up to a false name, because I don't want to be placed in an institution and to be left there."

Accommodation and the provision of basic needs

Article 40 of the Law on Social Welfare defines the accommodation services as accommodation in relative family, foster family, institution, shelter, and other types of accommodation. During 2011, there were a total of 7647 children in the foster families and social welfare institutions. One should bear in mind that this figure does not reflect the number of children accommodated in 2011, but the number of children who already happened to be in these types of accommodation in 2011 (Chart 16).

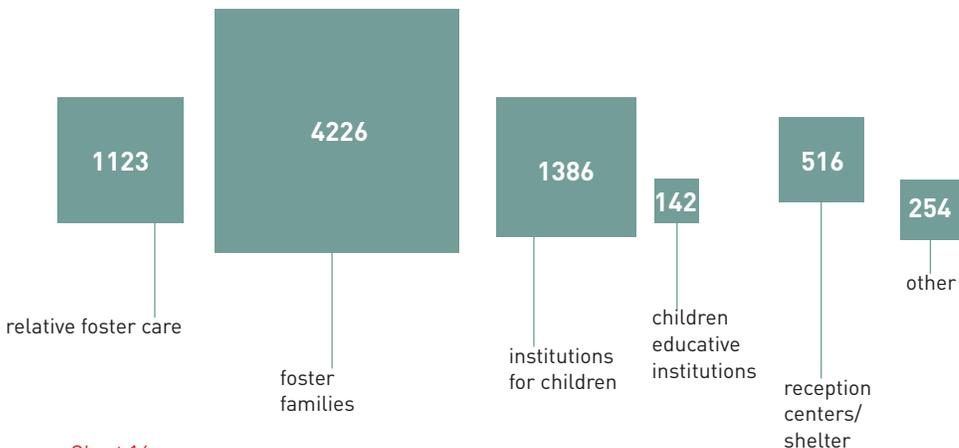


Chart 16:
Number of children beneficiaries of different accommodation services in 2011 (data of the Republic Social Welfare Institute)

Based on the data for 93,2% children placed in different social welfare institutions (2142 children), it has been ascertained that the highest percentage of these children are placed in the institutions for children and youth with developmental disabilities– 31% (654 children), whereas the percentage of children placed in institutional departments of social welfare centers is the lowest (2%) – 34 children (Chart 17). Although the accommodation in foster families is the most common type of the protection of children who need the accommodation services, in 2011 there were still 2298 children in institutions, which is 30% of the total number of accommodated children.

Although there is no complete information about the accommodation needs of specific sub-groups of children on the move, that is, beneficiary groups of the social welfare system, based on the identification by competent bodies/services (depending on the status) it is evident that the children without parental care on the territory of the Republic of Serbia are primarily placed in the social welfare institutions, and quite less often with foster families.

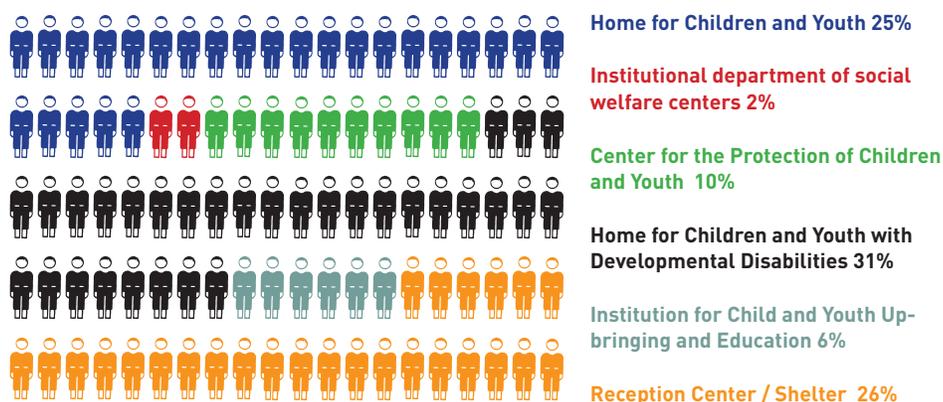


Chart 17:
 Percentage of children placed in the social welfare institutions in 2011
 (Data of the Republic Social Welfare Institution)

The Law on Social Welfare stipulates that the institutional accommodation shall provide beneficiaries with the accommodation and satisfaction of their basic existential needs, health protection, and access to education (Article 51) in the event that is impossible to secure their stay in the family, community services, or family accommodation (or if such solution does not meet the best interest of the beneficiaries). The service is designed to provide preparation for the return of beneficiaries to their biological families, transfer to another family, that is, their

preparation for independent life (Article 52, paragraph 3). Accommodation can be provided as: standard accommodation, accommodation with intensive or additional support, emergency accommodation, occasional accommodation, as well as other types of institutional accommodation (Article 53).

The Report on Work of the Institutions for Accommodation of Children and Youth from 2011⁸ states that with respect to applicable regulations, during the referenced year the institutions mostly met the standards related to the floor area (except two institutions for accommodation of children and youth with developmental disabilities). However, the Report also states that upon the issue of new Rulebook on Minimal Standards for Social Welfare Services⁹, the institutions will have to be adapted – 66.5% beneficiaries of all three types of accommodation institutions were accommodated in rooms with five or more beds during 2011. The living room premises were below the prescribed standards in 60% institutions, whereas the workshop rooms and dining rooms were inadequate.

Another significant detail pertains to the access to apartments. Specifically, the Report states that the institutions accommodating children and youth with developmental disabilities are *mainly* accessible, based on the information that 80% of these institutions have ramps, 60% handholds and access to basement, and only 20% institutions have elevators. On the other hand, institutes are absolutely inaccessible to children with disabilities. This interpretation (about *mainly* accessible institutions which do not have assistive technologies; basements are inaccessible in 40% cases) raises a number of issues about system sensitivity as to the needs of beneficiaries or capacities for self-assessment and improvement. A lack of data about assistive technology¹⁰, as well as other segments of the Report on work,

8 <http://www.zavodsz.gov.rs/PDF/izvestavanje/Izvestaj%20o%20radu%20ustanova%20za%20decu%20i%20mlade%202011.pdf> /Social Welfare Institute, 2011 Report on Work of the Institutions for Children and Youth/

9 Draft Rulebook is available at: <http://civilnodrustvo.gov.rs/vesti/dostavite-svoje-komentare/#more-2068>

10 “Assistive technology or equipment refers to movement equipment, primarily wheelchair, crutches, walking frames, as well as computers, adapted keyboards, screens, mouse, different programs, books for blind and partially sighted, etc. It is, however, important to note that any object in the environment can be used as assistive equipment if its original or modified purpose enables better functioning of a person. Therefore, it does not necessarily include expensive equipment, but also different photographs, maps, geometrical shapes, or even toys. The assistive technology and equipment allows children and adult users a higher degree of independence and self-reliance, a more fulfilled and active life. It also allows them to have access to contents that would have been entirely inaccessible or hardly accessible without the use of such equipment.” From the document of mr Danijela Vuković, “Assistive technologies and their function in the education of children and pupils with developmental difficulties and disabilities”.

provides additional information about the system orientation, responsiveness and capacities to assess the needs and take adequate actions thereto.

A special focus should be placed on the fact that the playrooms are not mentioned in any consolidated report of the Republic Social Welfare Institution. Additionally, in the light of research findings pertaining to the importance of the respect of children's rights to play and to have free time, and the fact that absolutely all children emphasized the importance of the rooms where they can play, meet, and socialize, we can assume that the system does not have developed capacities and/or does not still realize the importance of the assessment of beneficiaries' needs, which is certainly accompanied by the lack of beneficiary evaluation mechanisms and the planning based on such evaluation.

This lack of data on satisfaction with the services provided is related to the entire set of accommodation services.

The Report on work on the institutions for accommodation of children and youth of the Republic Social Welfare Institute states that in 2011 the Center for Accommodation of Underage Foreign Persons without Parental or Guardian Escort accommodated the total of 77 beneficiaries. The Report about the status of underage asylum seekers in Serbia, which is a work product of the working group for asylum established by representatives of the Group 484, Belgrade Center for Human Rights, Initiative for Development and Cooperation and the Belgrade Center for Security Policy, as a result of comprehensive research of the status and exercise of the right to asylum in the Republic of Serbia¹¹, reads that minors come to the Center accompanied by social workers, temporary guardians appointed by the competent social welfare center. Additionally, this Report as well as findings from the focus group interviews conducted within this research, indicate that the minors *usually come in a poor condition, most often with skin diseases, and that as soon as they come the minors are advised about their rights and obligations during their stay in the Institute. Should they intend to seek asylum, which*

¹¹ ¹¹ Miroslava Jelačić, Jovana Zorić, Rastko Brajković, Marko Savković, *Minors-asylum seekers in Serbia; at the verge of dignity*, Group 484, Belgrade, 2011

¹¹ Miroslava Jelačić, Jovana Zorić, Rastko Brajković, Marko Savković, *Maloletni tražiocil azila u Srbiji: na ivici dostojanstva*, Grupa 484, Beograd, 2011

is the case with most of them following their admittance, they will be provided with an interpreter as soon as possible as well as consultations with representatives of the non-governmental organization Center for Protection and Assistance to Asylum Seekers, which provides free legal assistance. According to the procedure for granting asylum, when minors show the intent to seek asylum, they are taken from the Center to the Police – premises of the Aliens Department in Belgrade, where the authorized officers of the Asylum Office undertake all first instance actions. Upon filing of the application for asylum, the underage asylum seekers have met the requirements for transfer to Banja Koviljača. Upon their arrival to the Center in Banja Koviljača, the underage asylum seekers should be assigned a legal representative, which is under the competence of the Social Welfare Center in Loznica.

During the focus group interviews and deep interviews, more information was obtained in relation to availability of different programs and services of the Center for Accommodation of Underage Foreign Persons without Parental or Guardian Escort.

Protection programs evidently lack translators, which is a basic requirement that must be met in order to find out what can be done for the child. Additionally, bearing in mind cultural differences, it is necessary to provide psychologists and translators of both genders – to ensure available male psychologist, because they would certainly not tell to an unknown woman about sexual violence or anything of the kind.

The children accommodation premises are not considered adequate. The Center is surrounded with institutions for accommodation of different groups of children and it is impossible to have a quality work under such circumstances.

Interviewees agree that the conditions for work with the underage children without parental or guardian escort are absolutely inadequate, that is, there are no conditions for work and, above all, for the assessment of needs of the children accommo-



dated in the Center. The equipment for interpreters as the required minimum for compliance with the principle of children participation in the decision-making with respect to the creation of adequate programs, exist only if the Center cooperates with civil society organizations that can provide such a service. Under such circumstances, it is needless to say that there is a wide range of required services that are not being provided.

Children who took part in the research state that the conditions in the Center for Accommodation of Asylum Seekers in Bogovađa is “much better” as compared to the accommodation conditions in other countries where they stayed during the journey.

“This center is very good. The conditions are very good. I like it here. I don’t need anything better.”

“We have a roof over our heads. The food is good and it is clean. We also have a playground.”

“This is the best center in which we have been. I feel safe here.”

The only complaint given by a number of children pertains to the size of rooms where the families are accommodated.

“It is kind of small. There are eight of us in a small room. One cannot move around properly.”

“It would be good to have a bigger space for us. There are too many of us in the small room. But, it is all right, it is important to have enough room for others who come here.”

The children note in particular the importance of the premises intended for children – where they can “meet and socialize”. They think it is important to make the premises safe and available at all times, which is not always the case. They recognize the need for adapting these premises to children of various age, “so that everyone could find his/her place there”. Almost all these children state that their favourite place is the playground. In addition to the playground, they also mention the playroom and study room.

“The space intended for children is very important, as we can play there. The playroom is my favourite place. But it is sometimes locked and we can go there only when the teacher is present. I don’t like that.”

“I like swings the most. I use to chat with my girlfriends there.”

“I like being outdoors. I just don’t like when we gather on the playground in the yard and the older boys chase us away.”

“I think there is no room for little kids, where they can stay and play safely.”

"It is very important for us to be outdoors. I like the playground the most. I also like our study room when we have workshops. When we don't have a workshop, the study room is locked."

The children also note that they would like to participate in "designing and organizing the premises for children".

"It would be great if they could ask us how we would like to organize our play premises. And to be involved in organizing the playroom and the study room."

"The study room is a bit gloomy. I would like to rearrange it."

As regards necessary items, the children mention toys, writing and drawing kits, and books, the number of which is "not sufficient for everyone" and they are not always available. The children would also like to have a "TV only for children" and a computer.

"We have toys but only for small children, and not for bigger children. And the toys are in a locked room."

"I like to write and draw. But here, we don't have access to paper and colour pencils. We can use them only when teachers are present. Then, we can draw."

"I would like to have more books here, both in English and in our language."

"There is a TV, but only adults watch it. It would be nice if children could have their TV."

"It would be great to have a computer. We could then play games."

The children state that a particular problem is the inability to contact their families and friends.

"We cannot contact our families. Most our cousins are in Iran, and one cannot call Iran on cell phone from here. I have not called them for quite long."

"We could not call our grandfather in Somalia. The network was not available."

"We don't have internet here. We need internet in order to talk to our friends and to be informed."

In relation to the employees of the Center, the children point out that "almost everyone treats them well" and that they "feel safe". They mention, in particular, their good relation with the professionals who directly work with children. However, they mention a few situations when an employee of the Center "did not treat the children properly". The examples that the children gave indicated verbal abuse.

"People here treat us very well."

"The teachers are really great. I always look forward to see them."

"Sometimes the security people chase us away and yell at us without a reason."

The children point out the need for a person who would work only with chil-

dren and who would be full time employed in the Center. According to them, such a person should be a “support to children” and “listen to their suggestions”.
“Those who offer help in the Center talk only to adults. It would be good to have a person who would work only with children and be here every day. That person would then take care of us, ask us how we are doing, whether we need anything. We would have different workshops.”

“Some children here are in a really tough situation. Children have their own problems and concerns. There should be someone to talk to them. It would be different if someone was here always.”

“If there was a person who would work with us, that person would help us with everything we need and with some ideas we might have. That person would listen to what we think and like.”

The children point out the importance of being able to talk about “their situation”, about their experiences, problems, and concerns, their feelings, hopes, and plans for future.

It is interesting that they saw this research as such an opportunity.

“This research has been great. We’ve had a very nice time, although we talked about some tough issues. It helped us to feel better.”

The role of translators is very important for the children. The children say that they are satisfied with the translators they communicate with, but also say that the translators are not always available.

“Translators are very important, because without them we cannot talk to people who are helping us. Translators are not always here, but we manage. Some of our friends who speak English well translate for us. It would be great if we could always have a translator.”

“The translators who come here are good. It is important that the translators know how to talk to children.”

The children would like to take more part in daily activities of the Center and to help the staff, because it would make them “feel useful”.

*“We would like to help the food servers or to clean the yard. Children could help a lot.”
“I would like to do something helpful here. Now, I just sit all day long.”*

The children emphasize the importance of the programs organized in the Center and note that they would like to have more of such programs.

“I really like the workshops that we have in the Center. We draw and talk about various things. That makes my day.”

“I would like to have workshops more often, not only two times a week. I am bored. I have nothing to do. The workshops help me to not to think about certain issues.”

The children think that the learning of Serbian language is a very useful experience, because they can communicate with the staff working in the Center.

"When you are here, it is important to learn the language. I like the fact that we learn Serbian language. That's how we can communicate easier with each other."

Deca bi volela da imaju priliku da sama pokrenu neke aktivnosti i da pomažu svojim vršnjacima.

„Ako bi deca mogla nešto sa organizuju. Neke aktivnosti, na primer izložbu.“

„Mnogo je važno da deca pomažu jedna drugima. Bilo bi super kad bismo mi pomagali deci koja dođu, da se uklope. Ja već pomažem.“

Children would like to have an opportunity to initiate certain activities and help their peers.

"If children could organize something – some activities, for example an exhibition."

"It is very important that children help each other. It would be great if we could help the children who come here to fit in. I am already helping."

They also suggest activities that would be organized for children and parents.

"It would be great to have joint activities with our parents. Sometimes they worry too much."

Many children feel isolated in the Center, because it is far from the settlements. The children recognize the need for linking the Center to the local community. They would like to participate in certain activities in the local community, to meet children in the community and help the local community meet the migrants."

"I would like us to go somewhere. We are always in the Center. We are isolated here. Everything is far from here."

"I would like to meet the children who live here. I would like that very much."

"I would like that people who live here know about us. To know who we are, why we are here. So that they could understand us."

The Report of the Commission for Readmission from 2011 states that most returnees are accommodated with their parents (719), however nine children are accommodated in children institutions (Chart 18).

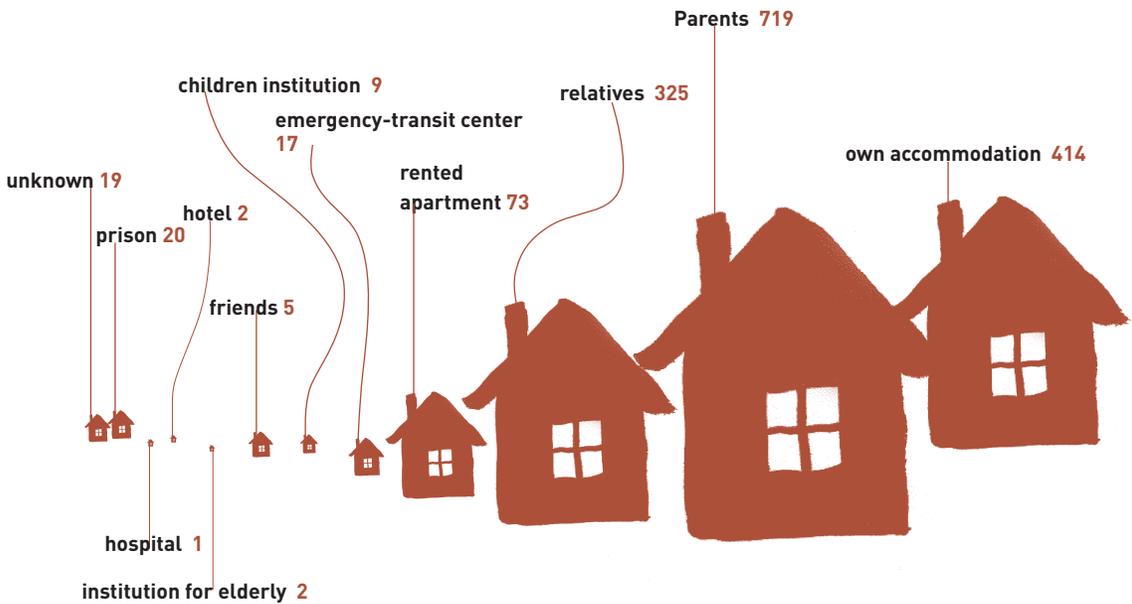


Chart 18:
The number of returnees with respect to the agreements on readmission in relation to the type of accommodation in 2011
(Data of the Office for Readmission)

The research data as well as the number of children beneficiaries of the social welfare system in Serbia from this target group (Chart 1), supports the fact that children from returnee families are quite often exposed to risk of violence/exploitation, and that children from this group are quite often recognized in other sub-groups of children on the move (children involved in the life and/or work on the street and children-victims of human trafficking). The lack of integration programs, which was mentioned during the interview, is one of the key problems of children protection policies in the Republic of Serbia.

In our program, we had two girls who had returned from Switzerland with their father. Soon after their arrival in the country, the father started to exploit and procure them. Since they were identified as the victims of human trafficking and placed in a children accommodation institution, we were allowed to contact the girls and offer them participation in our social inclusion programs. The girls' native language was German, but they also spoke well Roma language, while they never learned Serbian language. The system never recognized the need to respect their rights and respond to the needs with respect to the capacities available. This is not a sole example.



A number of children who returned as a part of the readmission process undoubtedly indicate that there is a problem in the lack of support programs – from the provision of accommodation to the psychosocial support problems.

"When we came back, we did not have a place to live. They gave us a room in the shacks. The authorities said that we could be there for 7 days, and to manage on our own later. The room was so humid that we had to leave the place. We went to a collective center, which was no longer financed by the state. We live there, in the shacks."

"I think it is important to be provided with accommodation and some money when you come back, until you get on your feet. It is even more important that your parents get help to find a job, because what is the use of the money after we spend it. We did not get the support we needed."

The children talk about poor conditions in the informal collective center where they were placed.

"The conditions are poor. We don't live in real houses, but in some improvised shacks. Often, there is no electricity or warm water. In the evening, when it gets dark, we cannot do anything."

"It is very far from downtown. There is nothing around the Center. We are completely isolated."

"We don't have a space to play. If we had a playground, we could meet there."

They emphasize the need for programs that could help them in the reintegration process.

"Since we came, nobody asked us how we managed, if we needed anything, except

the non-governmental organization that visits the collective center."

"Your life suddenly changes. And when it happens, you need the support. Sometimes you need to talk about your problems and things that you are going through. It would be good if someone could help us deal with the difficulties and stress. Children usually have nobody to go to."

Children realize that the entire family needs a support.

"Support should be given to both the children and their parents, in order to deal with the situation after the return. Someone should also ask parents how they are doing, whether they are well, whether they have a job, whether they need anything. They should also be assisted in giving support to their children."

Children think that their peers can give a significant support in the reintegration process. Many children would like to help their peers who are going through the same experience.

"Your peers can help you fit in again. I think that other children should be told what we have gone through, and they can help us feel better here after the return."

"It is important to organize various activities, so that we could meet other children and make new friends."

"I am more mature now. I have had that experience when they sent us back. Now, I could help someone who is experiencing the same."

The children also see the problem in the fact that they do not have available programs within which they could spend their free time. The children think that such programs are important for their integration and overcoming of difficult moments they are facing.

"It is important for us to participate in some activities for children. In that way, we could forget about our situation and occupy our thoughts with something else. But there are very few of such programs. We take part in them when a non-governmental organization calls us. But, even then, it's mostly us who participate, and I would like other children to be involved as well."

"We don't have many options to be involved in some programs for children. We need support to access such programs."

„There is nothing at the place where we live. One cannot attend workshops, sport games, children programs."

As already mentioned, when children-victims of human trafficking are not accompanied by their parents/guardian, or when parents have been deprived of the guardianship right, either temporarily or permanently, the children are placed in the institutions for accommodation of children and youth, together with other groups of children. Exceptionally, the NGO Atina, as a civil society organization, accommodated underage victims aged between 15 and 18 in its Temporary Home / orig. *Privemena kuća*/, following the approval by parents/guardians, at recommendation by the guardianship body. There is a great degree of certainty that the children placed in the Temporary Home were provided with basic needs and that the social inclusion program included all essential activities of empowerment and provision of basic support to the children, including a full cooperation and consent by the child, that is, the social inclusion program enabled the children to exercise all their rights. The children included in the research testified about the insufficient capacities of the social welfare system with respect to the children rights, save in exceptional cases. We also learned it indirectly from the civil society organizations that are active in the field of children protection.

As one of the specific programs created in order to meet the continuously researched needs of the children who live and/or work on the street, the Hostel /*Svratiše*/, managed by the organization “Center for Integration of Youth” does not offer the service of accommodation of children who live and work on the street, but children can stay overnight and rest in the Hostel.

Our collocutors from the Office for Human and Minority Rights, within the research, provided an extensive description of monitoring activities that the Office (previously the Ministry of Human and Minority Rights) implemented in order to get insight in the provision of care and the situation concerning human rights and freedoms of the persons placed in the institutions for accommodation of different categories of migrants. Conclusions of the Office slightly differ than the aforementioned.

Representatives of the Ministry visited the institutions for accommodation of underage and adult persons with or without parental or guardian escort. On that occasion, they visited the Center for Accommodation of Particularly Vulnerable Migrant Groups in the village of Varna near Šabac, Padinska skela, Bogovađa, Ba-

nja Koviljača, as well as the Center for Accommodation of Underage Persons without parental or guardian escort in Belgrade, and the NGO Atina. The institutions located in the village of Varna near Šabac and Bijela Palanka accommodate returnees under the agreement on readmission who are in an extremely difficult social situation and without a shelter, including the children accompanied by parents. In Banja Koviljača and Bogovađa, there were asylum seekers, adult foreigners and underage foreign persons without parental or guardian's escort who formally filed a request for granting refugee status. In the centers for accommodation of underage persons without parental or guardian's escort, there were persons who intended to get the asylum status. During the visits to some institutions, we directly learned about the conditions of accommodation and care for vulnerable migrant groups in the Republic of Serbia and the situation in the field of human rights and freedoms, including underage persons without escort. In this regard, it was ascertained that the conditions in these institutions are rather satisfactory.

In the context of provision of the basic needs to children on the move, the civil society organizations are still the ones who have the required financial resources, primarily through international donor assistance, but also in terms of necessary knowledge, skills and mechanisms to react in a timely manner and meet the needs of these children.

It is a safe place (*Svratište*) where children can rest and spend quality time, maintain their personal hygiene, get adequate meals, health care, stay overnight in certain situations as prescribed by rulebooks, get information about services in the community, receive education and support in gaining the basic life skills.

The organizations offering help and support to children provide them with food, toiletries, seasonal clothing, toys, books and learning equipment, assistance in learning, premises and time for play, and other types of help as necessary...

As regards institutions within the system, it has been observed that the resources are tight, and that quite often the individual approach standard is not applied, which is in part a consequence of the lack of financial resources, as well as a consequence of interpretation of the values, rights and standards guaranteed by the system.

Children –foreign citizens who stay for a relatively short time (Center for Accommodation of Underage Foreign Persons without Parental Escort), are provided three meals a day and a snack, safe accommodation, warm premises. They can use internet and watch TV, play social and sport games. They are provided with clothes, footwear, hallo cards; however, there is sometimes a lack of financial resources even for these needs. Due to the language barriers, these children express their needs with the help of other beneficiaries who can speak English or French.

On the other hand, professionals from institutions insufficiently recognize the importance of cooperation with the civil society and rarely use these resources, although it is important to note that the situation in this area has been improving.

Inclusion in the education system

Although the National Plan of Action for Children¹²¹² within the field of *Quality Education for All Children*, states that the first strategic goal is to increase public spending from the GDP to 6% by the year 2011, and thus fulfil the basic requirement for achieving quality education for all children, by allocating around 4.5% of budget resources (most allocations are still intended for employees' salaries), Serbia is still a country that does not allocate enough funds for achievement of the set goals in the area.

If the foregoing fact is considered in the light of importance of the education for social inclusion of children and putting an end to the mechanism of transgenerational inheritance of poverty and social marginalization, we can say that the data of the social welfare centers in 2011 are still satisfactory (Chart 19). Specifically, according to the data for 70.4% children in the records of the social welfare centers in 2011, as many as 17% children were not included in the educational system. The question now arises whether and/or to what extent the centers that have not submitted data for as many as 29.6% children-beneficiaries of the system have undertaken their legal obligation to cooperate with educational institutions for the purpose of children inclusion in the education system in Serbia.

¹² As a part of implementing its commitments under the Convention on the Rights of the Child, the Government of the Republic of Serbia passed the National Plan of Action for Children on 12 February 2004

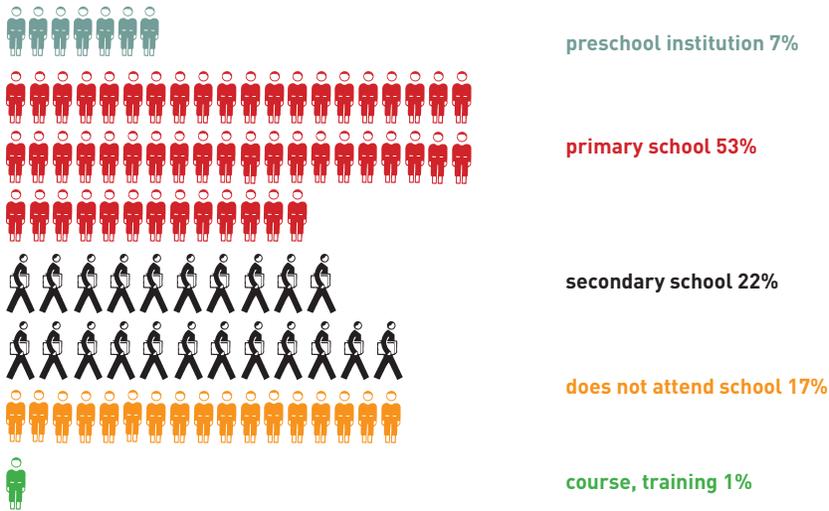


Chart 19:

The number of children beneficiaries of social protection included in the education system in 2011 (data of the Republic Social Welfare Institute)

One can also assume that children included in certain trainings and courses are still not included in the education system, which appears to be indispensable on the path of a full social integration.

This is also corroborated by interviewed persons from the civil society organizations.

One of the first tasks of the NGO Atina was to include children in all systems from which that were excluded either partially or completely, for various reasons: we act as mediators in the settlement of citizens' legal status, acquisition of rights in the social welfare system; we include children in the regular education system and help them remain in the system by providing literacy courses, learning assistance, etc. Without completing a school, people in Serbia cannot get any job and are left on their own in the future. All our underage female beneficiaries have been enrolled in school and continue the school with the support of our programs.

The Center for Integration of Youth, within the program of work with children who live and/or work on the street, has developed a program for children inclusion in the preschool education and, as a part of that program, achieved excellent results in Serbia so far.

The centers for asylum seekers in Banja Koviljača and Bogovađa informed us that the requirements have been met to include two children in the education system:

They stay shortly in the centers for asylum seekers, which is not enough to learn Serbian language and use the opportunity to be included in the education system. They leave the Center together with my parents; they do not attend school, except two children (from the Center in Bogovađa). This is the first case that someone had the necessary knowledge of Serbian Language to be able to attend the school.



Children who were placed in the Center for Asylum Seekers in Bogovađa are not included in the education system. The Center organized informal three-hour classes three times a week, chiefly focusing on the initial literacy teaching in Serbian language. The children state that the classes are designed for younger children, so that children over 12 years of age usually do not attend these classes. All older children state that major problem is that education is not available to them.

"Little children here have school classes every second day. They learn Serbian language. They learn how to write. I don't go to that school."

"I would like the most to have a real school here, so that we could go to school every day."

"I miss school. It would be best to have here a teacher for older children. We could then learn English, some basic mathematics, biology, geography..."

The children recognize the need to learn English language and they would like to have the opportunity to learn this language in the Center.

"English is the most important. I would like to learn English well."

"It would be very useful to have the English language classes here. Where ever you go, you will need English language."

Certain number of children who took part in the research, after their requests for asylum were refused and after they returned to Serbia, could not continue the education in regular school, but attended classes in the schools for adults. We

should note that before they went abroad, a great majority of these children was included in the regular education. The children talk about much worse conditions in the schools for adults, both in terms of teaching premises and classes and in terms of the treatment of children, in particular those of Roma origin.

"We don't have gym, visual art and music classes, because we don't have a room for that purpose and there are not enough classrooms."

"There is almost nothing I like about that school. Teachers often come only for 10 or 15 minutes and then leave."

"There are about forty of us in the class."

"We are not allowed to stay in the school yard after classes."

"There are many teachers who treat us badly. I am not used to that. Teachers in Sweden respect children."

"Teachers think that we are Roma people who do not want to learn anything, so that most of them are not really trying to teach us something."

Children also talk about the problem of violence among their peers in school.

"There is much violence in school. There are always some fights."

"Some keep threatening that they would beat us."

"There are often some fights."

In relation to this issue, children state that conditions in the Primary School "Branko Pešić" are much better than in other schools, because the pupils receive much better treatment than in other schools, because the pupils receive support from pedagogue and psychologist. There is also possibility to take part in different extracurricular activities.

"I think it is great that we participate in the program "School without Violence" in this school. We also have a peer team in this school and various activities."

A group of children that continued the education in regular school after the return from abroad talks about necessity of different types of support to children who are often absent from school, which is why they have difficulties to adapt and be successful in school.

"It is very hard. Everything is difficult – the school, the way how teachers teach, the learning methods..."

"Since I arrived in this school, I have been under constant stress, worrying if I could manage it all."

"You are left on your own. If you can do it – good for you, if not – never mind. You don't get the support that you need."

Many children who migrate internally have not acquired their right to education for years. They say that they could not go to school because they did not have

the basic documents. They also state that they often had to work in order to provide income for themselves and their families, so under such circumstances they could not attend school regularly.

The children think that a precondition to regularly attend classes is to be provided with clothes, books, meals, and quite often transport to school, as well as to receive support in learning. Most of these children have been enrolled in schools for adults, with the help of non-governmental organizations. Those who do not attend school take part in informal education programs in the Hostel /Svratište/ and the Day Center for children from the street.

"We first go to Svratište, take a bath and wash our faces, and then we go together to school."

"In the Day Center, I learn to write and calculate, since I don't go to school. I have learned a lot since I started coming here."

All children who took part in this research recognize the importance of education for their future.

Health care

All services of the health care system are available to the children accommodated in the social welfare institutions. However, problems again occur when the existing mechanisms are not activated in time or when inadequately activated.

We had a situation when we took a child from the center to the hospital. The child did not have an appointed guardian, because centers are often slow in making decisions on the appointment of guardians, and the child did not have identification documents. In such situations, it all depends on our cooperation with medical institutions. So far, we have managed to resolve the problem in 100% cases, but there is a requirement for a permanent and sustainable solution (respondent from a civil society organization).

The fact that there are still specific programs created and activities intended for the health care of some sub-groups of children on the move also testifies about the availability of the health care services (especially secondary) and the importance of additional engagement of international and national organizations.

UNHCR implements a medical program for internally displaced persons and refugees, as well as for asylum seekers. The program includes provision of medicinal products and diagnostics, and is implemented through the Danish Refugee Council.

For years, IOM has allocated significant resources for medical help, which sometimes includes an entire treatment program with private doctors, because other options were not available.

The children who have been identified as victims of human trafficking and the children who live and/or work on the street have also often faced the problems of availability of the health care system, and it is often the case that they seek the necessary services in the system through mediation of the civil society organizations.

Given that some of the stated consequences suffered by these children, as a result of different situations related to migrations and/or violence and exploitation, the conception that the children's health care can depend on enthusiasm and prompt actions of individuals, and not on clear mechanisms and procedures, should raise concerns.



The children placed in the Center for Accommodation of Asylum Seekers in Bogovađa have available doctor who works a clinic at the Center. The children state that they were obliged to visit the doctor when they arrived in the center in order "to check if they were ill". Most children state that they have had positive experience with the doctor. A few children pointed at the problem that the doctor was not always available and that sometimes neither them nor their families were given explanation about the course of illness.

"I visited the doctor when I came. She was really good to me."

"A doctor should listen to you and show willingness to help. The doctor who works here does that."

"When I was ill, they told me that the doctor was not here. I was ill the whole week."

I had high temperature.”

“It is very important that the doctor explains what is wrong with you. The doctor did not tell me if these spots on my face that appeared during the trip would disappear.”

A number of children from Roma families who migrate within Serbia state that they did not have available health care, because they did not have a health card. These children mostly live in illegal settlements and often change their places of residence, so they do not have the basic documents.

Furthermore, these children go to the health care institutions with the support and escort by representatives of non-governmental organizations. However, even with this support, the children who do not have a health card are often rejected by doctors when they seek a health care.

“Last time when we went to the hospital, they did not want to receive me. The doctor said she would not see me because I did not have a health card.”

“I always go there with people from Svratišće, but it depends on doctors – some doctors want to see you while others don’t.”

“Before, there was always someone from Atina who went with me, but now they just tell me where to go and what to do, and then I go there by myself.”

Legal protection and protection from violence

A more precise framework for the protection of children-victims of crimes (such as the children-victims of human trafficking, including the children forced to provide sexual services, panhandling, committing crimes, and exploited children) is provided under the Law on Juvenile Offenders and Legal Protection of Minors¹³. Specifically, in the criminal proceedings, minors who have been damaged by criminal offenses with elements of violence, in particular, receive special treatment in the criminal proceedings. These cases are specific because the trial chamber conducting the proceedings against a juvenile offender is presided by a judge who has a particular knowledge in the area of rights of a child and legal protection of minors. In addition to the presiding judge, the public prosecutor, investigating

¹³ the Law on Juvenile Offenders and Legal Protection of Minors, Official Gazette of RS, No. 85/05

*judge and specialized police officers are also required to have such knowledge. Additionally, since a damaged minor must have an authorized representative from the first hearing, the court will appoint such person (if such person does not already exist) from among attorneys, given that he/she must also have the required knowledge in the field of rights of child and legal protection of minors. All the referenced participants in the proceedings are obliged to act carefully in relation to the damaged minor, being mindful of the person's age, personality, education, and living circumstances, and in particular, to try avoid harmful consequences that the proceedings might have on his/her personality and development. A hearing is also conducted with this aim, using the help of pedagogue, psychologist or other expert. It is envisaged that the hearing would be completed in two trial dates, unless a continuation is necessary in order to meet the purpose of the criminal proceedings. In order to be protected from secondary victimization, the minor may be heard by using technical audio and video equipment, without the presence of parties and other participants in the proceedings (whereby questions will be asked indirectly, through pedagogue, psychologist or other expert). Minors can also be heard in his/her apartment, or at other places outside the official premises.*¹⁴

The information about application of protective measures in certain situations, and again about the importance of a *trustworthy person*, who is often an expert from a civil society organization, and about experiences of children in the court proceedings, has been obtained from the reports of organizations containing the statements on children's experiences.

A social worker and a psychologist were with me throughout the trial, but they talked to each other and paid no attention to what was happening.

In addition to the General Protocol for Child Protection from Abuse and Neglect¹⁵, which in addition to the Law on Juvenile Offenders and Legal Protection of Minors, stipulates special measures for the protection of children-victims of violence, special protocols of the Ministry of Justice, Ministry of Interior, Ministry of Health, Ministry of Labour and Social Policy define the obligations of all systems in this field¹⁶.

¹⁴ Galonja, A., Jovanović, S., op. cit.

¹⁵ Government of the Republic of Serbia, General Protocol for Child Protection from Abuse and Neglect, Government's Conclusion 05 No. 5196/2005 of 25 August 2005

¹⁶ All protocols are available at: http://www.unicef.org/serbia/resources_14632.html. More

Specific experiences pertaining to the application of the General Protocol in the education system also include the following:

Following the adoption of the Special Protocol for Child Protection from Abuse and Neglect, a Rulebook on application of the Special Protocol was created, considering the tendency to regulate mandatory actions, which was ensured by adoption of the Rulebook. The Rulebook lays obligation on the institutions of education system, schools, kindergartens, and other institutions within the system, including homes for children, to establish an internal protection network .as well as the mechanisms of cooperation with other institutions.

There are three levels of action to be considered in relation to the violence against children. The first level is the classroom, where the matter is dealt by the home-room teacher; the second level is a team that should exist in each institution and must be made of the director, expert associate and another three or four teachers. There is also an external protection network, when the matter must be referred to the social welfare center, doctor, and police. The weakest link in this mechanism are the centers, whereas paediatricians and the police function perfectly. There is also SOS phone. We also cooperate with institutions and non-governmental organizations, with anyone who is willing and has resources to help. We cooperate with the Ministry of Interior even in the field of prevention of human trafficking, with reference to playing the movie *Sisters in Schools* (representative of the Ministry of Education, Science and Technological Development).

information about the application of protocols can be found in: *Veronika Išpanović-Radojković, et. al*, Protection of Child from Abuse and Neglect. Application of the Special Protocol, Center for the Rights of the Child, Belgrade, 2011. Specific information about the role of the social welfare centers in the process of protection of children-victims of human trafficking in: Kljajić, S., Šarac, N., "Role of the Social Welfare Centers in the Protection of Victims of Human Trafficking", Social Inclusion of Victims of Human Trafficking, International Migration Organization, Belgrade, 2009.

Other activities in the field of child protection

The information about the activities conducted in the field of protection of various sub-groups of children on the move has also been obtained through interviews with professionals from different institutions for child accommodation:

There is a pre-defined day program: the children are informed about the work plan and the house rules. In addition to usual daily activities: getting out of bed, monitoring, assistance in the maintenance of personal hygiene, the professional team working in a shift reads the dossier, gets familiar with developments in the previous shift and makes the work plan to determine who does what and with which child. Thereupon, they have a group informative meeting, which proved to be fantastic activity in the work with children, because children get the opportunity to directly participate in the design of plan during a shift. During each shift, the children can have individual conversation with the professionals (social worker, psychologist, special pedagogue). Then, they have working activities which include dealing with elementary matters, organizing workshops where children learn through play. There are also workshops aimed at the development of pro-social skills, conducted not only by the professionals but also by the children themselves. On daily basis, we visit various manifestations, either in the capacity of host or in the capacity of guests. We also organize visits to religious facilities, being particularly mindful of the children from religious minorities. The workshops implemented by children are planned in accordance with the needs, opinions and wishes of the children.

Since the consultations with children included only the children who are in contact with the civil society organizations, it was not possible to learn about their views of the programs within the institutions, except in the case of children who were beneficiaries of some programs of these organizations. Anyhow, when asked how is the degree of beneficiaries' satisfaction with a service measured, all the beneficiaries answered that there were user's evaluations, but that the institution program evaluation mechanisms were not described in more detail and that the evaluations were not public.

Civil society organizations emphasized in particular the importance of implementing preventive programs for risk groups with respect to which there are no available reports in the reporting system of the social welfare centers, although the institutions of the system are obliged to initiate and develop the preventive programs pursuant to Article 121 of the Law on Social Welfare. According to representatives of the civil society organizations, the preventive programs may not be based only on the general prevention, conducting seminars and classes intended for the children of school age, or campaigns intended for general population, but it is necessary to develop new work approaches with the social welfare beneficiary groups, in order for the existing system activities to prevent further marginalization, poverty and social exclusion.

The civil society organizations also emphasize the importance of mediation in the implementation of rights with the institutions, although the existing normative and regulatory framework lays obligation on the institutions to take urgent/timely measures in the protection of children, and commits them to international cooperation. The research findings again corroborate the fact that the mechanisms and steps in such actions are best observed in the analysis of actions of employees within the Ministry of Interior, and it is necessary to improve and more precisely define the cooperation of the social welfare system with other systems.

Particularly innovative and child-oriented programs are organized and implemented by organizations active in the protection of particularly vulnerable groups of children – children who live and/or work on the street and children-victims of human trafficking. The field work programs of the Center for Integration of Youth is designed to *enable availability of needed services, provide support in the creation with constructive relations with the family, peers and/or institutions, establish communication with the child in order to pass the knowledge and skills in constructive conflict solution, provide conditions for the implementation of counselling activities with the child on specific topic or problem, implement interventions aimed at the prevention or reduction of specific risk they are exposed to, inform the children who live and/or work on the street about the matters relevant for them, mobilize the media and thus raise the public awareness about the problems that these children face on daily basis*¹⁷.

¹⁷ For more information about programs of the Center for Integration of Youth, please visit: <http://www.cim.org.rs/programi/>



All children who took part in the research and have used services of the Center for Integration of Youth explain that the Hostel /Svratište/ and the Day Center for children from the street had a great impact on the improvement of quality of their lives.

"The Day Center is very important for all of us. It should also exist for the sake of children who live like us."

"When I started coming to Svratište, I experienced many good things in life."

"My life has improved since I have been coming to the Day Center. I have also changed and became better."

The children talk about different activities in which they participate.

"In the Day Center we learn to read and write. I like to read songs with my teacher."

"We learn what is dangerous and what is not dangerous. About drugs, diseases, human trafficking..."

"We have various workshops when we draw. We learn about culture."

"I liked very much when we learned break dance, and later we had a dance show."

"We had a picnic and travelled by ship."

"I had the best fun when we learned aikido."

In addition to these activities in the Day Center and Svratište, the children can take a bath, have a lunch and "get ready for school".

"We come to Svratište, wash our faces and take a bath. Then we have lunch and go together to school."

They can rest, watch TV, play and spend time together.

"My brother and I often come to the Day Center and watch TV and have some rest."

"I have great friends in Svratište. We play different games, sometimes we go out to play football."

The children state that they feel safe and accepted.

"I am happy when I come to Svratište."

"I know that people in the Day Center care about me."

Children explain that the support they receive at the Day Center and *Svratište* is essential for their regular attending the school, because in addition to the learning assistance, the Center for Integration of Youth provides clothes, meals, and books for school. Many children who worked on the street note that thanks to this support they stopped working and started going to school. Many children state that their parents support them in this.

"In the Center we get help with learning and homework, so it makes the school easier."

"When I need something for school, I ask the teacher at the Day Center."

*"It is now much easier for our parents, because they just need to take care of themselves, *Svratište* is helping us. They give us some things and footwear for school. We also get food and books."*

"Parents tell us it is great that we are going to the Day Center and school, and that we don't have to panhandle. They like it."

"Our parents hardly waited for us to start the school."

Children who took part in the research state that they come regularly to *Svratište* and Day Center, although they live far. However, the distance of these centers is a big problem for them, which is proven by the fact that many children who were forcefully moved from illegal settlements to the outskirts of town have stopped coming.

"It would be much easier if the Center was closer, because now I change two buses on the way there."

"It would be great if the Day Center existed in different parts of town, so that we could go to the closest one."

Many children state that they got involved in the activities at *Svratište* and Day Center thanks to the fact that they were "found by the field workers" of the Center for Integration of Youth. They think it is a good way to reach the children who work on the street and need this type of support.

"Had they not found us, I would have never come to the Day Center."

"I was panhandling at the parking lot. People from the Day Center found me there. We talked to them and agreed that they would show us the Day Center."

On the other hand, program of the NGO Atina is oriented to the provision of comprehensive support, not only to the child-beneficiary of the program, but also to the family, if the child lives with the family. Its work is oriented to the entire community, institutions and organizations that can provide support to the child in the process of full social inclusion. Additionally, the developed result monitoring systems, mechanisms for participation of children and other beneficiaries, compliance with the basic program principles, and satisfaction of the beneficiaries make this program an example of good practice in the field of protection of children-victims of human trafficking, as a sub-group of children on the move¹⁸.



“100 of them could not change me, only Atina did it. Atina has people and programs that can help you. They talked a lot with me about my problems. We also had many workshops. When I had problems at 2 after midnight they would come. I don’t know how I changed, but I know that they managed to change me. In Atina, I feel as with my family. I learned to like and prepare cooked food here. We together prepared and organized joint lunch.

Nobody ever treated me like that. People always want something from you. Men wants you to sleep with them, women want you to sell yourself for them, but Atina never asked anything from me. Although I made a few mistakes couple of times and did not listen to their advice, they were still there for me. What I would like to give them back is to have their trust. I have chosen Atina to be my family.”

Finally, the basic principles, values and services of the social welfare system that have been presented, with emphasis on the importance of multi-sectoral cooperation in the provision of adequate help to children-beneficiaries, provide a clear view of the overall normative framework of protection, as well as compliance with international standards in the field of child protection. However, the data (or lack of data) about achievements in the field of protection, as well as the permanent

¹⁸ For more information about programs of the NGO Atina, please visit: <http://www.atina.org.rs/programi.html>

inefficiency of the prevention system, but also the protection system evaluation by the beneficiaries, indicate that the implementation of existing regulations does not still comply with the prescribed international or even national standards. In this regard, it is necessary to continue strengthening of the capacities of the social welfare system, all for the purpose of the improvement of the existing measures and mechanisms, being always mindful of and insisting on the fact that it is necessary to create and implement specific programs and treat with special care the children on the move in the Republic of Serbia, as a group of children potentially exposed to risk of abuse and neglect and full social exclusion.

8. CASE STUDIES

CASE STUDY 1

M., 11 years old, female, potential victim of human trafficking (recognized intention of exploitation, but the exploitation did not take place)

Children-victims of human trafficking are usually placed in reception centers and safe houses that have available room, which additionally complicates the complex assistance system in these institutions, which do not have sufficient resources and capacities and most often do not provide specialized services. Closed type institutions can be a hard experience for children, especially for the children who have already been exposed to inconceivable suffering during the human trafficking experience. These experiences of children must be recognized and the system must adequately respond to their needs.

Professional from a civil society organization

Causes of the movement and travel conditions

M. was born in Afghanistan. She lived with her parents and three sisters. When Taliban forces approached the area where they lived, the family decided to move to a country of the European Union, where they had cousins. M. was nine years old when they started the trip. Although she travelled with her family in the beginning, in September 2011, while they were in Greece, her parents arranged for M. to continue the trip to the destination without them, and paid a man who guaranteed that he would provide transportation for the child. Other details about this decision are not available. M. cannot remember the situation and says that she has forgotten, but nobody of the people involved questioned the decision of her parents or wondered if her parents had the best intentions. This incident was very traumatic for M:

When a child travels like this, the most important is that the child stays with the parents all the time. To part from the parents is the most frightful.

From the moment when she parted from her parents, M. travelled in the company of a boy from Afghanistan (H) and a woman who was introducing herself as her mother. The three of them crossed the border between Greece and Macedonia, Macedonia and Serbia, and travelled to the northern part of country with fake passports.

At the border crossing Horgoš, between Serbia and Hungary, in late September 2011, the woman they travelled with was arrested due to the suspicion that she had committed the crime of human trafficking.

M. says that her experience with the police at the border crossing was rather positive as compared to her experiences in other countries. M. points out that police officers in Serbia were “nice” during their conversation and that she was not afraid of them, which she believes to be important:

☞ It is important that police officers treat children nicely.

However, throughout the conversation with the police, this girl never learned what was going on, nor did she and H. ask anyone to explain.

Based on the fake documents and inconsistent statements of the women who accompanied the children, as well as statements of the children, the police could not but suspect there was an intent of exploitation. Therefore, they contacted the Agency for Coordination of the Protection of Victims of Human Trafficking. The guardianship body of the competent social welfare center also got involved in this case, although nobody could directly communicate with M. because there was no available translator. The girl was then referred to a social welfare institution for accommodation of underage persons (hereinafter: the Shelter). Since the social welfare center, which is in competent for coordination of further actions in such cases, could not secure transportation for the children, the NGO Atina was asked to help. Since the children had already stayed at the border crossing for over eight hours, two employees of the non-governmental organization travelled to the border crossing and took the children to the Shelter. This intervention of the NGO Atina was not documented by the social welfare center.

Support system

Since the very beginning of monitoring the case, the NGO Atina included in the support network the fellow organizations – Novi Sad Humanitarian Center (NSHC) and representatives of the Joint Program for Combating Human Trafficking in the Republic of Serbia - UN- HCR, IOM and UNODC. Atina, together with these organizations, continuously communicated with the German Embassy in Serbia and the Caritas organization (in Germany) in charge of providing help to asylum seekers in the territory of Germany. Throughout the assistance process, this network undertook to provide support to underage M. and help her to eventually join her parents, who had been in the meantime granted the status of asylum seekers in Germany.

During her stay in the Shelter, M. was identified as a victim of human trafficking by the Agency for Coordination of the Protection of Victims of Human Trafficking, based on the suspected intent of exploitation. It is important to note that in Serbia there are no shelters for foreign underage persons without company of parents that receive girls, which additionally complicated the provision of help in this situation.

During their stay in the Shelter, M. and H. had difficulties to get used to the movement restriction, new socio-cultural context, including language spoken by other children and employees in the institution that they did not understand. These facts created resistance in these children, which was manifested through anxiety. M. states that one of the greatest difficulties was having her hair cut short, which is a common practice in the children residential institutions in Serbia as lice spread prevention. The culturological significance of long hair among girls and women in Afghanistan was not taken into consideration when this measure was applied. Although both NSHC and Atina intervened trying to dissuade the institution employees from this act, M's hair was eventually cut short.

Since there were no translators in the institution, M. communicated with the employees only through the boy H. who translated from Farsi language to English, however only few caregivers in the institution spoke basic English. Two months later, in late December 2011, H. left the institution, wherefore M. became even

more lonely and isolated. From that moment, she started learning Serbian language thanks to the efforts of a teacher hired by NSHC. The girl soon learned the language.

The institutions did not have programs in which she could participate. The entire Shelter had only one TV. It even did not have computers or internet access:

Days here are very boring. One had nothing to do.

When M. expressed her needs, non-governmental organizations who followed her case established cooperation with Iran Cultural Center and obtained Kur'an and books in her native language. Also, a counselling with therapist was organized.

As regards education, M. was sad that she did not go to school after she left Afghanistan and was looking forward to be again included in the education system and learn foreign languages once she joins her parents. While in Serbia, she was not included in the education system, despite the fact that children without documents have the right to education, that is, children under 15 years of age are allowed to enrol regular school.

In the assistance and organization of a fast family reuniting, one of the greatest difficulties was the fact the this girl's family had stayed in Greece around 6 months as illegal immigrants, and the formal preconditions to connect the family could not be met until the parents were granted legal status, which happened as late as six months after M. arrived in Serbia, that is, her mother and two children were granted the status of asylum seekers in Germany, and after some time their father joined them.

While the family was in Greece, Atina enabled the girl M. to contact her family. They bought her a cell phone, so she could regularly communicate with the family. However since the phones in the Shelter were often stolen, the girl M. had to be bought around 10 telephones during her stay.

When the formal requirements have been met for M. to go to Germany, Atina and the German Embassy in the Republic of Serbia, intending to speed up the entire process, enabled mutual identification between M. and her parents using their photographs, which is not a usual practice (in most cases, the identification is done with DNA analysis, which greatly slows down the process of bringing the family together). It should be noted that at this stage the German Embassy, together with the German Ministry of Foreign Affairs, demonstrated remarkable flexibility and readiness to help the girl meet her family as soon as possible.

Following a successful identification, Atina covered the costs of administrative proceedings and health insurance, while the flight ticket costs for this girl were covered by the Joint Program for Combating Human Trafficking in the Republic of Serbia. M. was escorted to the airport by a temporary guardian and representatives of the Agency for the Protection of Victims, and in Germany she was met by Caritas representatives.

Despite the difficulties that she faced, M's perception of her stay in Serbia is rather positive; she claims that she felt safe and protected, and that she learned a lot from this experience.



During this journey I learned not to be afraid of anything, to be brave, to be patient. I learned Serbian language. I have learned something about some new countries. I am proud of myself. I think that I have coped with this well, but I hardly wait to leave.

M. keeps in touch with Atina representatives. She enrolled school in Germany and she is extremely happy with her current living conditions.

CASE STUDY 2

K. N., 20 years old, a victim of human trafficking

Causes of vulnerability

K. N. is a daughter of single mother and father of Roma nationality. She never met her father. Since she was born, she lived with her mother, half-sister and step-father. When she was two years old, her mother died in a car accident. Since her step-father could not take care of the girls after her mother's death, K. N. and her sister stayed temporarily at her aunt's. However, it soon appeared that the aunt could not do that either, so both of them were placed in a home for children without parental care, in Belgrade. Under decision of the guardianship body, her aunt was later granted guardianship of the sister, while K.N. stayed in the children's home. K.N. took this decision hard. She perceived it as racial discrimination (her sister was not Roma girl). Her anger, sadness, and feeling of injustice are the emotions that she still feels against her aunt and half-sister.

In the children's home where she stayed, the caregivers labelled her as a "problematic child". Since she had particular difficulties in childhood, vulnerability and resistance to the environment, K. N. was transferred from the home to an institution for children with behavioural disorders, which also could not provide adequate response to the challenges and problems that K.N. faced while growing up. Between the age of twelve and sixteen, although officially included in the social welfare system, she faced violence and sexual abuse. She often slept outside the institution and regularly took alcohol and drugs.

Procuring and exploitation

While still underage, K. N. contacted her step-father, who suggested the option of going to a country of Western Europe to marry a boy and live a nice life with him and his family. At that point she thought that such a plan was a unique opportunity for a better life. However, her step-father raped her, and then arranged the marriage for her abroad. He was paid 3500 euro for that. He organized the trip and obtained falsified documents for K. N.

When she joined the “new family”, K. N. was forced to sex and house work. She was not allowed to leave the apartment, and she did not have conditions to fulfil her basic needs. When K. N. complained to an acquaintance of the family and said that she was still underage, he insisted on organizing her return to Serbia. He persuaded the family that they would be revealed and punished should they refuse to do that. On the other hand, during her entire stay abroad, the guardianship authority never reacted to her three-month disappearance.

Support system

Upon her return to Serbia, K. N. contacted the institution for accommodation of underage persons with which she contacted in the past. Since she turned eighteen in the meantime, the institution for accommodation of children was no longer competent for providing assistance in this case, so the institution employees contacted the Agency for Coordination of the Protection of Victims of Human Trafficking, which identified K.N. as a victim and referred her to the social inclusion program in the NGO Atina.

During the three years of cooperation with Atina, K. N. managed to fully articulate her trust in people, which was the problem she had not been able to face for a long time. In addition to settling her citizen's status, getting access to all support systems in Serbia, the NGO Atina focused on strengthening capacities of K.N. so that she could learn to take care of herself, acquire communication skills and basic existential skills, as well as on literacy teaching and preparation for the inclusion in labour market, i.e. employment. K. N. readily participated in all educative and creative workshops, as well as the self-support group, which allows the program beneficiaries to exchange their rather similar experiences, with the support of the program psychologist, and to find solutions for their daily challenges.

The approach used in the work with K. N. which proved to be successful as compared to all other institutional attempts, included the development of closeness, mutual understanding and trust between the professionals from Atina and K. N. as well as high flexibility in the approach, being fully mindful of her needs, and the encouragement in making important decisions.

At the near end of this process, K. N. thought of herself as a “strong and proud” person, which was the result of her improved self-esteem:

100 of them could not change me, only Atina did it. Atina has people and programs that can help you... What I would like to give them back is to have their trust.

A crucial point in building K.N’s trust in herself and others was in fact the awareness that for the first time in her life she was able to actually manage her own life.

With Atina’s support, K. N. found more or less satisfactory jobs – there were some situations when she was discriminated at work because she was a Roma girl. In such moments, she felt invisible and less valuable. With further encouragement and support from Atina, she recently found a better paid job. Higher salary allowed her to rent an apartment by herself:

My greatest support is my job. I can go to my apartment any time. I don’t depend on anyone. I am finally satisfied.

Conclusions

Based on the two case studies involving a potential victim and a victim of human trafficking, as well as on the existing analysis, including the analysis of current situation conducted during the development of the new Strategy for Combating Human Trafficking in the Republic of Serbia, we can conclude that the existing mechanisms for the protection of victims of human trafficking is not fully adapted to the needs of children-victims and potential victims of trafficking. More precisely, we have observed the following deficiencies in the system:

► Lack of adequate services and programs based on the rights of child and individual needs of every child. Children-victims of trafficking are temporarily placed in the children shelters in Belgrade and Novi Sad, if they do not return to their families. These institutions do not have specialized programs for children-

victims of human trafficking and do not provide adequate services that could respond to their psychosocial needs. There are no procedures or recorded practices for a consistent compliance of participation principle (with continuous provision of translation services as a basic requirement), nor is there a thorough planning and implementation of activities for inclusion in the system in order to enable children to exercise all their statutory rights. Previous experience has shown that if the civil society organizations are not included in the protection system, children-victims will not get adequate support in the exercise of their minimum rights.

At this point, we should mention the institute of cultural mediators/representatives which exists in some European countries as an example of good practice in the system of protection of children-migrants, in response to the needs of migrants from the countries with different cultural and social norms and languages for which there are not enough translators.

► There is no established mechanism of coordination and cooperation between different institutions and establishments whose mandate is to provide assistance and care for the children identified as victims of human trafficking. In other words, the system still primarily relies on the capacities and assessments by the guardianship bodies, which proved to be insufficiently adequate due to the lack of resources and required expertise. The most common practice indicates an ad hoc cooperation, which often depends on personal contacts and motivation of individuals, and not on the established institutionalized practice and regulations. The referring of victims to institutional care is not based on adaptation of these programs to the specific needs of children-victims, but on currently available physical capacities.

► Although professionals from the system institutions involved in the protection of children-victims of human trafficking clearly recognize the existing and potential trends in this field, as well as deficiencies of the system for a complete care and protection of the children, there is no mechanism to allow them transpose their knowledge and experiences into respective plans and systemic actions.

► Structural discrimination is particularly demonstrated in the ca-

ses of human trafficking, i.e. in specific forms of exploitation of girls from Roma community. Forced marriages in the Roma population are attributed to the Roma tradition and custom and quite often lack adequate reactions. It is obvious that the insufficient sensibility of professionals in terms of understanding the correlation between the respect of cultural/tradition patterns, on one hand, and the guarantee of human right to freedom, on the other hand, prevents an efficient prevention of exploitation of a number of victims of human trafficking, most often those from multiple marginalized groups.

► Children-victims of human trafficking, especially children with year-long experience in neglect and abuse, have shown an increased sensitivity and vulnerability, while institutions rarely have adequate capacities and skills to adequately respond to their needs. It is necessary to apply an approach oriented at the building of self-esteem and personal capacities, which includes a line of services based on the principle of best child's interest, non-discrimination, and full participation, as well as adapting the work to individual needs of every child. Such approach is most often applied in the programs of support and social inclusion implemented by the civil society organizations.

CASE STUDY 3

S., 12 year old boy who is included in the life and work on the street

I think that the city authorities tried to partially resolve this problem when they moved the people to Makiš, however, they do not have sufficient capacities to resolve their accompanying difficulties, such as the lack of jobs and legal invisibility. It would be more useful for all parties if the governmental sector had a better communication with non-governmental organizations. NGOs have a better information coverage and a well developed relationship with this population. I believe that it would greatly facilitate the work of the governmental sector to act in accordance with its principles and possibilities. I don't think that the government entirely disregards the best interest of the child; instead the situation is rather a result of communication gap between these two sectors, which is to the detriment of our beneficiaries.

Professional from a civil society organization

Work on the street

S. was born in Belgrade. His parents came from Prokuplje. First they settled in Belvil settlement, and on 24 April 2012 they were displaced and moved to the container settlement in Makiš. In order to provide financial help to his family, S. works on the street. His father collects secondary raw materials and performs physical labour when an opportunity arises, while his mother takes care of brothers and sisters. S. and his family currently live in Cerak, in two shacks, which they share with six other people. The hygiene conditions are very poor, without legal electricity connection and running water. The settlement is located at a completely different part of the town in relation to the school that S. attends.

For different reasons, the family often changed its place of residence and the living conditions. They lived in a house, a flat, camp-trailer and shacks in the settlement with poor hygiene. Their often movement significantly jeopardized the boy's right to learning and optimal development of his abilities – limited possibility to regularly attend school and to have access to programs for the children from general population.

In addition to financial problems and lack of resources for fulfilment of basic needs, the family lives in harmony; the parents treat their children with care and, as possible, respond to the needs of the children.

Mother of the child S. never went to school, while the father completed several grades of primary school, which prevents the inclusion in the labour market.

S. most often worked on the parking lot of the popular party place – *Splavovi*, in the vicinity of *Jugoslavija* Hotel. He is currently a beneficiary of the Day Center program, together with his brothers and sister, and works at the parking lot only during the summer holidays.

Support system

Although S. was included in some forms of the support system (following the displacement, the city administration provided transportation for the children from the then place of residence to school), he talks about inadequacy of this system and the fact that it is not based on the real needs of children:



While we lived in Makiš, I did not go to the Day Center regularly. There was an organized bus transport, when the bus would arrived and take us directly to school. It did not suit us, because the bus went directly to the school, so we could not go to the Day Center, and if we don't go there before school, we would go to school with unwashed faces and dirty. If we go there after school, then we would wait too long for the city bus to take us to the settlement.

S. was included in the organized support system when the field workers from the Center for Integration of Youth (CIM) contacted him. At first, he was sceptic and scared, but in time he gained trust in the field workers and agreed to participate in the program of *Svratište*. He quickly accepted the activities and the program, and started to come there regularly with his brothers and sisters.

S. is included in the regular education system. Since he did not start school in time, he went to the school for adults, the program of which covers two school years in one calendar year. His going to school helped him extend his social network, gain new friends and interests. S. is now in the third grade. He is diligent and hard-working pupil who fulfils his school duties. His favourite activities are writing, drawing, football and math, while he finds reading the most difficult.

S. visits the Day Center after school hours, when he takes part in educative and creative workshops, as well as in all other activities.

S. is registered in the Register of Births and has a health card, which he got with the support of the Day Center, whose staff kept regular contacts with his parents in order to obtain necessary documents. The family started receiving social financial help from the competent social welfare center. They also use the services of the People's Kitchen.

I pored teškoća sa kojima se svakodnevno suočavaju, roditelji S. uviđaju značaj i važnost pristupa školovanju i zdravstvu i pokazuju volju da obezbede dokumenta za svoju decu i redovno ih školuju. Zahvaljujući saradnji roditelja s CIM-om, S. je uspeo da pribavi sva potrebna dokumenta, što mu je omogućilo pristup pravima, ali su S. i njegova porodica i dalje egzistencijalno ugroženi. Tako S. i dalje zavisi od Dnevnog centra koji mu asistira prilikom odlaska kod lekara i obezbeđuje sredstva za ličnu higijenu ili neophodne lekove. Takvu podršku S. dobija i od nastavnika u školi koji su pokazali puno razumevanja i spremnost da pomognu.

In addition to their daily difficulties, the boy's parents recognize the importance of the school and health care, and are willing to provide documents for their children and regular education. Thanks to the parents' cooperation with CIM, S. managed to obtain all necessary documents, which enabled him to exercise his rights, however S. and his family are still socially vulnerable. S. is still dependable on the Day Center, which provides assistance in visits to doctor and provides toiletries or necessary medicines. S. also receives such support from his school teachers, who have demonstrated full understanding and readiness to help.

Employees of the CIM do not actually think positive of the cooperation with the social welfare center, as opposed to their good cooperation with the school. The Center demonstrates sufficient flexibility and openness. Also, the experiences of CIM employees indicate that in addition to the Juvenile Department at the Police Office for the City of Belgrade, other police officers show little understanding of the situation of the Roma children included in the life and work on the street, which implies that it is necessary to additionally build capacities of these institutions and establish a deeper and stronger cooperation for the purpose of providing support to the children involved in the life and work on the street.

Conclusions

The case study indicates particular deficiencies in the system of protection of children exposed to multiple discrimination and social exclusion. The system deficiencies in particular include the following:

- ▶ Data collection system of the social welfare systems and social welfare institutions does not recognize the category of children included in the life and work on the street, which means that the system lacks information on the actual number of these children, and thus on the needs of these children. The lack of adequate data collection system also affects adequate planning, including the planning of resources for inter-sectoral and inter-departmental cooperation in the care, assistance, and protection of the children. This further results in the implementation of activities, which cannot provide a long-term and sustainable social inclusion and full respect of the rights of particularly vulnerable groups of children on the move;
- ▶ The support system and programs are not sufficiently responsive and flexible in order to respond to specific needs of the children included in the life and work on the street. This particularly relates to the lack of coordinated support for resolving the citizen's status and obtaining all necessary documents in order to allow this group of children to exercise their right;
- ▶ Children included in the life and work on the street quite often point out that they are exposed to discrimination by officers of the social welfare system, police and employees in the health care institutions. In addition to the lack of adequate programs, one of the reasons for such statements pertains to inadequate work standards which do not include a full compliance with the principles and rights proclaimed by the Convention on the Rights of the Child and undeveloped capacities of the institutions to adapt the work method to the needs of multiple vulnerable children;
- ▶ There is no established mechanism of coordination and cooperation between different institutions and establishments on one hand, and the civil society organizations active in providing support to the children involved in the life and/or work on the street on the other hand.

Causes of the migrations

There is a war in Afghanistan; living conditions are hard; it is dangerous. It is dangerous to go to school or go back home. Girls often get hurt. Different things can be seen on the street.

Support system

A. R. had been in the Center for Asylum Seekers for three weeks with her parents, sister and brother. The Center provides its beneficiaries with food, clothes, and other help needed for their basic needs.

When the Center organizes English language classes or some creative workshops, A.R. takes part in them. She often goes outing in the country with her friends. The non-governmental organization “Center for the Protection and Help to Asylum Seekers (APC)” visits the Center at least once a week with their two volunteers and a translator for Farsi language. These visits allow the provision of necessary services that the Center usually does not provide – legal assistance, psychosocial support through individual, group, creative, cultural, hygiene workshops.

I think it would be good to have a teacher here. I would like to learn English language, but I would really like to learn Serbian language as well, because I am here now.

The legally regulated right to free primary and secondary education did not help A.R. to be included in the regular education system. Since she does not speak Serbian language, she did not enrol the local school with other children living in the community.

A. R. has clear ideas about her future. When she finds a long-term place of residence with her parents, she would like to go to school and, upon getting a school degree, to become a raw model for her family. As regards the expression of feelings about the asylum seeking process in Serbia, she demonstrates readiness and determination:

If a girlfriend of mine would go to this trip, I would advise her to do so, and not to think about the trip, just to leave.

A. R. hopes that she will soon find a country where she could live without fear, where she could be happy and fulfilled, although she has learned during her journey that such a country probably does not exist.

I cannot imagine a country that is entirely good.

There are very few asylum seekers who came to Serbia as their final destination. The family of A. R. is not an exception, so that nobody of the Center employees and APC volunteers got surprised when the family decided to leave:

It is very probable that they will cross the Serbian border illegally and continue their trip to the Western Europe, where they already have some contacts and plans.

Conclusions

This case study indicates limited capacities when it comes to actions by the institutions competent for providing care to the asylum seekers, as well as their partial efficiency in relation to the legal objectives for the protection of this population. As particularly important issues in terms of the improvement of the protection system, we can point out the following:

▶ The right to primary and secondary education, in most cases, is not exercised by those children-asylum seekers who do not speak Serbian language. In order to harmonize the practice with the legal framework and the best interests of the children-asylum seekers, it is necessary to adapt the school programs and create specialized support programs for the pupils-asylum seekers;

▶ In the work with children-asylum seekers, the centers for asylum seekers do not have specialized educative programs or creative and recreational activities tailored to the needs of these children. One of the most common justifications for

this deficiency is the short period during which the children-asylum seekers stay in the centers, which happens on regular basis;

▶ The programs implemented in the centers are not based on the rights of child, nor are they sensitive to the needs of children of different ages and interests;

▶ Besides the general rule for the health care, specialized services are not provided for asylum seekers without mediation of the civil society organizations. Also, there is evident lack of psychosocial support within the centers for asylum seekers, the beneficiaries of which often face consequences of traumatic experiences from their trips;

▶ Children-asylum seekers with families do not get their identification documents. Personal identification documents are given only to children without company of their parents. In this way, they are unable to exercise their right to free movement;

▶ The efficiency of the existing anti-trafficking and anti-smuggling measures is questionable as regards this vulnerable group. There is a lack of multi-agency monitoring and supervision system in case of suspected human trafficking or smuggling including, inter alia, the existence of systemic solutions for verification of identity of parents;

▶ In the places that have a center for asylum seekers, the local community shows a great degree of animosity to the asylum seekers and discriminatory attitude in general. The fear of something different, as well as of organized crime had a negative effect on the local community's opinion about asylum seekers, including children. Regardless of the realistically great efforts of competent institutions, especially the Center for Asylum Seekers, who plead for co-existence with the local population as well as for public order, there is a lack of systematic solutions for the prevention of discrimination of this vulnerable population, primarily those targeted to children.

CASE STUDY 5

M, S. and B, 14, 12 and 10 years old, two girls and a boy, internally displaced, returnees based on the readmission

Internal displacement and life in Norway

M, S. and B. left Kosovo with their parents in 1999, and were accommodated in the Collective Center Resnik as internally displaced persons. During 2008, their father got ill of a progressive tumor and died soon thereafter. The family then decided to move to a European country.

M, S. and B. moved to Norway with their mother, where she got a job, which enabled the family to fulfil their basic needs including the children's enrolment in school. In addition to the income from mother's employment, the family received financial help from the state. M. played combat sports and swimming, while all three children had a full support of the school teachers. They regularly attended school. They managed to quickly fit in and find new friends with whom they still keep in touch. They filed a request for asylum in Norway. Having been refused the first time, they lodged a complaint from that decision a year and a half later. Their integration in the local community, first in the center for asylum seekers, and then in a small town at the North of Norway, was successful, and they believed that their request would eventually be granted.

Since the request was finally refused and the Readmission Agreement with Serbia signed, they had two options for return – deportation or inclusion in the program *Assisted Voluntary Return*¹ of the International Migrations Organisation (IOM). Until the very end of their stay, mother of the underage M, S. and B. did not believe that they would be forcefully deported from the territory of Norway.

In late 2010, the police came to their apartment at night and ordered them to pack their things, saying that they were going back to Serbia. M, S. and B. note that at the stage they were not explained why they had to travel, which they took very hard.

1 The very name of the program indicates that the persons who "voluntary return to their countries of origin had an alternative to stay in the country of destination (in this case in Norway), but the alternative of "voluntary" return practically meant the forced movement.

Support system

When they landed on the Belgrade airport, this family was given only a brochure with instructions. There were no other forms of support or referral to a support. They paid for transportation to their grandmother and grandfather's and stayed there overnight.

The return to already formally closed Collective Center in Resnik, which they left three years ago in search for better life, created an additional trauma for the children.

During the same period, they contacted NGO Group 484, which provided psychosocial help to persons who lived in this collective center. The family was included in the support program; the children started going to school; and the mother found a job. On their own initiative, they participated in the activities intended to the improvement of programs for children in the center, and M. as the oldest girl, whole-heartedly shared her experiences from Norway and tried tell other children what she had learned in Norway:

I am much more mature now. I have been through that experience when they sent us back. I could now help others who are going through the same experience.

Mother's priority was to enrol the children in school. However, when the children returned to the old school, they faced prejudice and difficulties in the communication with other pupils who abusively called them "returnees", so mother decided to enrol them in another school.

Although M, S. and B. were excellent scholars and liked to learned, their adaptation to a different school system and work methods, as well as the grading system, caused difficulties. Besides, M, S. and B. think that the fitting in the social context outside the school and, in particular, adapting to a different treatment of children by adults, is a challenge:

They treated us there as children, because that's what we are, but here we are treated as adults.

The lack of understanding among their peers and inability to share the experiences

with them affected M's relations with other pupils. She felt that due to her success in school and life abroad her peers perceived her as "arrogant" person, which demotivated her to share her experiences with them:

I think that our peers do not what we have been through. Only your best friends can understand you.

Bearing in mind the importance of the school environment in Norway for these children, as well as the importance of the current school, M. points at her vision of the role of teachers:

It is important that the teachers become familiar with our situation, to develop a program for us, so that we could fit in, and to implement it together with us and our parents.

M, S. and B. still live in the Collective Center, where the living conditions are unsatisfactory. The room in which M, S. and B. live and sleep together with their mother, aunt and cousin is rather humid. The family shares one bathroom with very little hot water, which does not satisfy even the basic hygienic conditions. There are no other programs in this center:

The place where we live has nothing. One cannot play a sport, attend workshops, or participate in children programs.

Activities of the Group 484 are still the only form of support that they receive:

It is nice when the people from Group 484 come, when we see that they have not forgotten about us.

M, S. and B. are aware that they are different from most of their peers, because they experienced a more comfortable life in a rich and stable country, wherefore they often feel sad and isolated. Although they understand the circumstances of the economic crisis and poverty in Serbia, they think that the state is obliged to provide them a long-term accommodation and financial support, and for the parents to provide psychological support and help them in to find job.

M, S. and B. still perceive Serbia as a foreign country:

When we came back, we felt that we had never been here, although we had. At the time we went there, we felt as if we had already lived there, although we had not.

Conclusions:

This study indicates a lack of adequate support system for displaced and readmitted children. A systematic solution through comprehensive interventions by competent institutions is particularly required for the following issues:

- ▶ Informal collective centers, which still accommodate internally displaced persons and returnees, do not fulfil the minimum standards for accommodation persons who do not have any other accommodation alternative – hygiene conditions are unsatisfactory, and the location where they are placed does not have an easy access to public transportation. Regardless of the obvious needs for different services that would ensure integration in the community, there is no organized support system, other than isolated activities of the civil society organizations;
- ▶ Data collection system for returnees and their needs has not been developed, which indicates the impossibility for efficient planning of the support and protection system, particularly in relation to the provision of specific services for returnee children;
- ▶ The countries of origin and destination do not have a systematic cooperation to allow efficient informing and preparation of returnees for (re)-integration;
- ▶ The education system has no capacities to work with children who have returned to Serbia after a long-time life in other European countries. This particularly relates to the insufficient sensibility of employees to provide organized support to children who have been referred to a different work methodology and school programs and adopted different learning habits.

9. CONCLUSIONS AND RECOMMENDATIONS

This report provides an overview of the position of children on the move, who happened to be in the Republic of Serbia during the research, and points at the perspective of children in the process of migrations, their experiences and risks they are exposed to during the trip. For many children on the move, leaving their home means a chance for better life, a way out from the poverty, abuse, violence or conflicts, providing opportunities for employment, education and access to the fundamental rights. At the same time, many of these children have faced risks and dangers during this trip, posing threat to their lives and development. The research findings undoubtedly confirm that the existing government response to the needs of these children is not adequate, and that many of them do not get the support and protection they are entitled to. In this regard, the recommendations and conclusions hereunder pertain to all systems.

GENERAL RECOMMENDATIONS

- Establish a comprehensive and functional national protection system for children on the move, which is entirely based on the needs of children and guarantees their protection and exercise of all their rights, regardless of their migration status;
- Take into consideration children's experiences, views and recommendations when creating and implementing the protection and support programs and policies for children on the move;
- Develop new and improve the existing policies, law, programs and services in this area, in compliance with the Convention on the Rights of the Child, in particular with the principle of the child's best interest which must be given a primary importance in all procedures relating to children;
- Create specific prevention programs having effect on the actual reasons of migrations, as well as the programs for raising awareness of the risks of unsafe migrations as well as of the required information pertaining to the migration process itself;
- Establish efficient data collection system and comprehensive statistics on children on the move in the Republic of Serbia, which is based on unified criteria and in accordance with the international cooperation standards;

- Create operative mechanisms for multi-sectoral cooperation for the purpose of monitoring and analysis of the existing measures and programs, their coordinated implementation, collection of data and creation of policies related to children on the move.

THE PREVENTION PROGRAMS

- In the creation of policies related to the prevention of unsafe migrations of children, it is necessary to consider and react to the real reasons of migrations, including clear relations between social exclusion, poverty, violence, and discrimination, and the very decisions on migrations;
- The prevention programs for unsafe migrations should also extend and include the provision of realistic options for education, employment, protection from violence, abuse, and exploitation in the communities that children come from;
- Keep children and their parents more informed in the decision-making process pertaining to migrations, by providing access to information on the risks of migrations, ways to protect themselves, as well as their rights and options available to implement their rights. These pieces of information should contain data on the support services in the transit and destination countries, ways to exercise their rights and organizations/institutions that provide support.

SYSTEM BUILDING AND IMPROVEMENT

- Develop unified and integrated system of monitoring and recording of children on the move, including the age, gender, migration status, family status, characteristics of the escort(s), as well as their specific situations, in compliance with international standards for record keeping and data protection;

- Ensure cooperation between relevant sectors, including the civil society organizations, aimed at the establishment of an efficient integrated system for the collection of data on children on the move, which would enable continuous trend following, as well as formulating of relevant and effective policies, programs and services that suit the dimensions and specificities of this phenomenon;
- Ensure participation and inclusion of professionals who provide direct services to children on the move in the process of needs assessment, policy making, design of programs and services, their evaluation, as well as operative mechanisms of multi-sectoral cooperation, for the purpose of ensuring their relevance and feasibility;
- Develop new and improve the existing programs and services intended for the protection and support to children on the move, aside from the migration and legal status of each child, based on the best interest of the child, non-discrimination, participation and right to development of the child until the achievement of its full capacities;
- Build, improve, and bring the existing minimal standards of services within the social welfare system in line with international standards, in relation to different sub-groups of children on the move in the Republic of Serbia, as well as the accompanying program of monitoring and regular assessment of the quality of existing services, which includes the analysis of satisfaction of beneficiaries, who are in the case the children on the move;
- Plan budget spending necessary for the implementation of existing and development of new support and protection programs for children on the move. In addition to financial resources for the provision of material and human resources necessary for a sustainable and functional protection and support system for children on the move, it is also necessary to plan material resources for emergency assistance for children who need it;
- Create and continuously implement specialized programs of professional training and support to professionals from all systems competent for the direct work with children from social welfare institutions, police, foster families and non-governmental organizations who are direct service providers for this population.

EFFICIENT PROTECTION AND SUPPORT SYSTEM FOR CHILDREN ON THE MOVE

- Recognize children on the move in all relevant national policies related to the children protection, children work, migrations, poverty reduction and social inclusion;
- Clearly define coordination mechanism in the protection and support system for children on the move in the Republic of Serbia
- Develop and improve the existing set of operative procedures for timely recognition of those children on the move who need additional social support and protection, and in timely manner make initial assessment of needs and potential risks and/or exposure to violence, abuse and neglect of these children;
- Children should at all times be informed about their rights and options available, in a way adapted to children, including the support of cultural mediators and/or translators, if necessary. Children should be timely informed on any decision of competent authorities, in the presence of guardian or legal representative, in a way adapted to children, that is, to make it understandable to children. This includes development of specialized trainings for professionals to allow them getting informed with adequate information techniques based on the rights of the child.
- Develop and strengthen capacities of professionals for conducting interviews and building of relations of trust with the children on the move, respecting the child's best interest, in the presence of a person of trust, conducted by an individual trained to work with children;
- Children on the move, especially when unaccompanied by parent or guardian or when separated from parents or guardian, are particularly sensitive during the trip, wherefore the protection and support programs must be provided in a non-restrictive manner, respecting the principle of the child's best interest. It is necessary to assign a guardian to the child as soon as possible, that is, immediately after the identification. Guardian's capacities should be strengthened through trainings and support, and so should be strengthened the capacities of legal advisor, so that they should act adequately in the best interest of the child. In order to develop a more efficient and functional guardianship system, it is necessary to consider establishment of the institute of national guardianship for children unaccompanied by parents, and to assign it a mandate allowing its reactions and representation of all children in these situations on the entire territory of Serbia;

- Create individualized protection programs, as well as short-term and longer support and protection plans for each child and, when possible, with the child's family;
- The children protection and support programs should ensure access to education, health care, employment (if it involves children capable for work), as well as family care or adequate alternative accommodation for children without parental care. All children, regardless of their origin, language they speak, or their status in Serbia, must have the same rights and access to services as the local children;
- Create protocols of actions with specified framework of actions, responsibilities and obligations of professionals in the institutions for accommodation of underage foreigners unaccompanied by parents, and secure adequate resources for work with children in the institutions;
- In all situations, especially in relation to children coming from different cultures, ensure the respect of culturological differences and, when necessary, provide interpreters, cultural mediators, and similar. Additionally, and when necessary, provide professionals and interpreters of both genders;
- Introduce mandatory practice to forward relevant information to other participants in the support and protection process, in accordance with international and national standards of the protection of personal data, in order to optimize the support plan, reduce the stress, and prevent possible secondary victimization of children-victims;
- Develop transnational referral mechanisms and define referral and action protocols and procedures for children on the move. In particular, ensure clear and mandatory procedures and actions with members of the family, assessment of circumstances for reuniting with the family, as well as the very act of reuniting, when it serves the best child's interest;
- In the situations of return to the country of origin, it is necessary to make individual assessment for each child, the child's family situation, and situation the child will face upon the return to the country of origin, and develop reintegration plan. The procedure and process should be adapted to children and by no means intimidate or disturb the child, that is, the child's best interest should be given the primary importance;
- Establish and foster cooperation with the civil society organizations on both national and international level in the field of prevention of unsafe migrations, direct assistance, program monitoring and implementation, assessment of effects and creation of policies related to the children on the move.

10. SOURCES

Reports and studies

1. Analysis of legislation of the Republic of Serbia from the aspect of rights of the child, Center for the Rights of the Child, 2011;
2. Every Child Counts Report, International Labour Organization, 2002;
3. Annual Report for 2011, the Office for Readmission;
4. Annual Narrative Report on Readmission for 2011, Office for Human and Minority Rights;
5. ILO Facts on Child Labour, International Labour Organization, 2010;
6. IOM Key Migration Terms, IOM, 2011;
7. Challenges of Forced Migrations, Group 484, 2011;
8. Challenges of Forced Migrations, Group 484, 2012;
9. Report of the Center for Family Accommodation, Republic Social Welfare Institute, 2012;
10. Report of the Social Welfare Centers for 2011, Republic Social Welfare Institute, 2012;
11. Report of the Institutions for Accommodation of Children and Youth for 2011, Republic Social Welfare Institute, 2012;
12. Report of the Office for Readmission, January-July 2012;
13. Report of the Office for Readmission for 2006- 2011;
14. Lukšić Orlandić, T., Lanzarot Convention and Commitments of the State of Serbia, 2012;
15. We Know the Best. Field work of the Center for Integration of Youth, Center for Integration of Youth, 2011;
16. Pinheiro, P. S., World Report on Violence against Children, UN Study on Violence against Children, 2006;
17. Status of Asylum Seekers in Serbia: January-June 2012, Belgrade Center for Human Rights, 2012;

18. Practical Standards in Child Participation, Save the Children, International Save the Children Alliance, London, 2005;
19. Legally Invisible Persons in Seven Pictures, Praxis, 2008;
20. Access to Documents for Internally Displaced Persons in Serbia, Praxis, 2007;
21. The State of the World's Children: Adolescence, an Age of Opportunity, UNICEF, 2011;
22. The States of the World's Children: Children in an Urban World, UNICEF, 2012;
23. They Say: I am Lucky to have a Job – A Participatory Study with Migrant Girls Who Do Domestic Work in Zambia, Zimbabwe and South Africa, Save the Children, 2009;
24. Transnational Coordination Mechanisms for the Protection of Children on the Move in the Context of International Migration and the Fulfilment of their Human Rights, UN CRC Committee Day of General Discussion, Submission by Save the Children, 2012;
25. UN Population facts, UN Department of Economic and Social Affairs, No. 2012/3, June 2012;
26. UNHCR report shows a record of 800,000 people forced to flee across borders in 2011, UNHCR, Geneva, 18 June 2012;
27. Protection of the Rights of Internally Displaced Persons in Expectation of a Permanent Solution, Praxis, 2009;

International and National Documents

1. A Special Place for Children in EU External Action (COM/2008/ 55 final), European Commission, Brussels, 5 February 2008;
2. A World Fit for Children, S-27/2, UN, 11 October 2002;
3. Analytical Report on Serbia's Application (COM/2011/ 668), European Commission, Brussels, 12 October 2011;
4. EU Action Plan on Unaccompanied Minors (COM/2010/213 final), Summaries of EU Legislation, 2010;
5. EU Agenda for the Rights of the Child (COM/2011/ 60 final), European

Commission, Brussels, 15 February 2011;

6. EU Charter on Fundamental Rights (2000/C 364/01), Official Journal of the European Communities, 18 December 2000;

7. EU Guidelines Human Rights and International Humanitarian Law Council of the European Union, March 2009;

8. EU Guidelines on Children and Armed Conflicts,

9. EU Guidelines on Promotion and Protection of the Rights of the Child, Council of the EU, March 2009;

10. European Convention on the Exercise of Children Rights (CETS No. 160), Council of Europe, Strasbourg, 1996;

11. European Convention on the Exercise of Children Rights – Explanatory Report, Council of Europe;

12. Explanatory Report, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), Official Journal of the European Union, 2007;

13. Optional Protocol on Actions upon Complaint, UN Human Rights Committee, 2011;

14. Optional Protocol on sale of children, children prostitution and pornography and Optional Protocol on participation of children in armed conflicts, “Official Gazette of SRY- International Treaties”, No. 4/2001;

15. Instruction on the requirements for the approval of temporary stay of foreign citizens-victims of human trafficking, Ministry of Interior of RS, 2004;

16. Interagency Guiding Principles on Unaccompanied and Separated Children, International Committee of the Red Cross, Geneva, January 2004;

17. Convention on the Elimination of all Forms of Discrimination against Women, “Official Gazette of SFRY”- International Treaties, No.11/81;

18. Convention on the Rights of the Child, “Official Gazette of SFRY”- International Treaties, No. 15/90

19. International Covenant on Civil and Political Rights “Official Gazette of SFRY – International Treaties”, No. 7/1971;

20. International Covenant on Economic, Social and Cultural Rights, “Official Gazette of SFRY-International Treaties”, No. 7/1971;

21. Convention on the Reduction of Statelessness, UN, 30 August 1961;

22. Convention Relating to the Status of Refugees, "Official Gazette of FNRY – International Treaties and Other Agreements", No. 7/60);
23. Convention Relating to the Status of Stateless Persons, UN, 28 September 1954;
24. Convention on the Elimination of all Forms of Racial Discrimination, "Official Gazette of SFRY- Appendix", No. 6/67;
25. Convention against Torture and Other Cruel, Inhumane or Humiliating Treatment or Punishments, "Official Gazette of SFRY –International Treaties", No. 9/91;
26. Convention on Transnational Organized Crime and the Protocol for Prevention, Suppression and Punishment of Trafficking in Human Beings, Especially Women and Children, "Official Gazette of SRY – International Treaties", No. 6/2001;
27. Council of Europe Convention on Action against Trafficking in Human Being, "Official Gazette of RS- International Treaties", No. 19/2009;
28. Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, "Official Gazette of RS – International Treaties", No. 1/2010;
29. Criminal Code, "Official Gazette of RS", No. 85/2005, 88/2005 – amend. 107/2005 – amend. 72/2009 and 111/2009;
30. National Strategy for the Prevention and Protection of Child Abuse, "Official Gazette of RS", No. 122/2008;
31. National Action Plan for Combating Human Trafficking 2009- 2011, "Official Gazette of RS", No. 35/2009;
32. National Action Plan for Children 2004- 2015, Council for the Rights of the Child, Government of the Republic of Serbia, Belgrade, February 2004;
33. Decision on the Network of Social Welfare Institutions, "Official Gazette of RS", No. 51/08;
34. General Comment No. 6, UN Committee on the Rights of the Child, 2005;
35. General Protocol for the Protection of Children from Abuse and Neglect, Government Conclusion 05 Number: 5196/2005 of 25 August 2005;
36. Policy on Refugee Children (EC/SCP/82), UNHCR, 1993;
37. Family Law, "Official Gazette of RS", No. 18/2005 and 72/2011– state law;

38. Special Protocol on Police Officers' Actions in the Protection of Minors from Abuse and Neglect, RS Ministry of Interior, Belgrade, March 2012;
39. Special Protocol for the Protection of Children from Abuse and Neglect in Social Welfare Institutions, RS Ministry of Labour and Social Policy, Belgrade, February 2006;
40. Rulebook on Organization, Norms and Standards of Social Welfare Centers, "Official Gazette of RS", No. 59/08 and 37/10;
41. Protocol on the Status of Refugees, UN, 1967;
42. Refugee Children: Guidelines on Protection and Care, UNHCR, 1994;
43. Revised European Social Charter, "Official Gazette of RS – International Treaties", No. 42/2009;
44. Serbia 2012 Progress Report (COM/2012/ 600 final), European Commission, Brussels, 2012;
45. Guidelines for the Alternative Care of Children, Resolution 64/142, UN, 24 February 2010;
46. Strategy for the Reintegration of Returnees, "Official Gazette of RS", No. 15/09;
47. Strategy for Combating Human Trafficking, "Official Gazette of RS", No. 111/2006;
48. Towards an EU Strategy on the Rights of the Child (COM/2006/ 367 final), European Commission, Brussels, 4 July 2006;
49. Treaty of Lisbon (2007/C 306/01), Official Journal of the European Union, 2007;
50. Council of Europe Regulation No. 343/2003;
51. Regulations on the Network of Institutions, "Official Gazette of RS", No. 16/2012;
52. Constitution of the Republic of Serbia, "Official Gazette of RS", No. 98/06;
53. Law on Asylum, "Official Gazette of RS", No. 109/200;
54. Law on Refugees, "Official Gazette of RS", No. 18/92, "Official Gazette of SRY", No. 42/2002 – SUS Decision and "Official Gazette of RS", No. 30/2010;
55. Law on Changes and Amendments to the Law on Health Insurance, "Official Gazette of RS", No. 57/2011;
56. Law on Public Peace and Order, "Official Gazette of RS", No. 51/92, 53/93,

67/93, 48/94, 101/2005 – state law and 85/2005 – state law;

57. Law on Juvenile Offenders and Legal Protection of Minors, “Official Gazette of RS”, No. 85/2005;

58. Law on Ratification of the Agreement on Readmission of Illegal Residents between the Republic of Serbia and European Community, “Official Gazette of RS”, No. 103 of 8 November 2007;

59. Law on Residence and Temporary Residence of Citizens, “Official Gazette of RS”, No. 87/2011;

60. Law on Ratification of the Convention on the Rights of the Child, “Official Gazette of SFRY — International Treaties”, 15/90 and “Official Gazette of SRY — International Treaties”, 4/96 and 2/97;

61. Law on Social Welfare, “Official Gazette of RS”, No. 24/2011;

62. Law on Foreigners, “Official Gazette of RS”, No. 97/2008;

63. Law on Prohibition of Discrimination, “Official Gazette of RS”, No. 22/2009;

64. Law on Protection of the State Border, “Official Gazette of RS”, No. 97/2008;

65. Law on Health Insurance, “Official Gazette of RS”, No. 107/2005, 109/2005- amend. and 57/2011;

Publications and sections of publications

1. Dottridge, M., Kids abroad: Ignore them, abuse them or protect them?, Terre Des Hommes International Federation, 2008;

2. Galonja, A., Jovanović, S., Protection of Victims and Prevention of Human Trafficking, Joint Program UNHCR, UNODC and IOM for combating human trafficking in Serbia, Belgrade, 2011;

3. Išpanović-Radojković, V. (ur.), Protection of Children from Abuse and Neglect. Application of the General Protocol, 2011.

4. Jelačić, M, Zorić, J, et al, Underage Asylum Seekers in Serbia: at the verge of dignity, Group 484, Belgrade, 2011;

5. O’Connell Davidson, J., Farrow, C., Child Migration and the Constructi-

on of Vulnerability, Save the Children Sweden, 2007;

6. Punch, S., Migration Projects: Children on the Move for Work and Education, Workshop on Independent Child Migrants: Policy Debates and Dilemmas, 2007;
7. Reale Daniela, Away from home - Protecting and supporting children on the move, Save the Children UK, 2008;
8. Vandenhoe, W., Children's Rights in EU External Action: Beyond Charity and Protection, Beyond Instrumentalization and Conditionality, International Journal on Children's Rights 19, 2011, str. 477- 500;
9. Žegarac, N., Children Talk. Report for Serbia, Save the Children, 2007;

Web pages of institutions and organizations

1. Center for the Integration of Youth, www.cim.org.rs;
2. Center for the Protection and Support to Asylum Seekers, www.apc-cza.org;
3. Group 484, www.grupa484.org.rs;
4. Commissariat for Refugees, www.kirs.gov.rs;
5. Office for Human and Minority Rights, www.ljudskaprava.gov.rs;
6. NGO Atina, www.atina.org.rs;
7. Reception Center/Shelter, www.prihvatiliste.rs;
8. Institution for Child and Youth Upbringing and Education, www.zvdob.com;



