



Save the Children

PREVENTION OF EXPLOITATION OF CHILDREN IN SOUTH EAST EUROPE



# REGIONAL REPORT ON SEXUAL EXPLOITATION OF CHILDREN

September 2012



# **SEXUAL EXPLOITATION OF CHILDREN**

**Regional Report**

Save the Children is the world's leading independent organization for children.

**OUR VISION** is a world in which every child attains the right to survival, protection, development and participation.

**OUR MISSION** is to inspire the breakthroughs in the way the world treats children and to achieve immediate and lasting change in their lives.

© Save the Children 2012  
Author: Save the Children  
Team Leaders: Ahmed Pjano and Ljiljana Siničković  
Consultant: Aleksandra Galonja  
Graphic design: Šejla Dizdarević

This publication was prepared within the Project of the *Prevention of child exploitation in South East Europe*, implemented with support of the Ministry of Foreign Affairs of the Kingdom of Norway.

The survey on sexual exploitation of children was conducted in cooperation with the members of the Ombudsman for Children South East Europe Network: Ombudsman for children of Republika Srpska, National Ombudsman of Macedonia, Kosovo Ombudsperson Institution, the Human Rights and Freedoms Ombudsman of Montenegro.

# Content

INTRODUCTION	6
SURVEY:TRENDS, PREVENTION AND PROTECTION OF SEXUAL EXPLOITATION VICTIMS	7
METHODOLOGY	7
Structure and topic of the survey	7
Objectives of the survey	9
Sample and method	12
Procedure	15
Instruments	15
INTERNATIONAL LEGAL FRAMEWORK	17
Convention for the Protection of Human Rights and Fundamental Freedoms	17
Convention on the Compensation of Victims of Violent Crimes	17
Convention on the Rights of the Child	17
Recommendation of the Council of Europe Committee of Ministers on Sexual Exploitation, Pornography and Prostitution of, and Trafficking in, Children and Young Adults	18
European Special Charter (revised)	18
Resolution of the Council of Europe Parliamentary Assembly on Sexual Exploitation of Children	18
Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor	19
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography	19
Convention against Transnational Organized Crime	20
Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children	20
Recommendation on the Protection of Children against Sexual Exploitation	21
Convention on Cybercrime	21
EU Council Framework Decision on Combatting Trafficking in Human Beings	22
Resolution on Sexual Exploitation of Children	22
Convention on Action against Trafficking in Human Beings	22
Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	23
NATIONAL LEGAL FRAMEWORK	25
TRENDS IN THE FIELD OF SEXUAL EXPLOITATION OF CHILDREN	27
Understanding of the concept of „sexual exploitation“	27
Number of victims	28
Types of exploitation	30
Gender	31
Age	33
Inclusion in the education system	34
Exposure to the risk of sexual exploitation	35
CASE STUDIES	36
Case study 1	36
Case study 2	37
Case study 3	38
Case study 4	39
Case study 5	40
RECOMMENDATIONS	41



# INTRODUCTION

Sexual exploitation of children is a phenomenon widely spread across the planet, in different forms and on different scales. It is a form of sexual abuse of children and young people where they are asked to provide sexual services in exchange for money, other necessities of life, shelter, protection, narcotics and else, or they are forced or blackmailed into doing that. Children and young people are in this way subjected to various forms of violence, sexual violence being by far the most extreme one. It is estimated that one in five minors in the world has experienced some form of sexual abuse or exploitation, and with the advancement of technology, particularly the Internet, the risk is increasing continuously.



Today, two forms of sexual exploitation are particularly prevalent: child prostitution and child pornography. Article 34 of the Convention on the Rights of the Child, ratified by all the states in the region of Southeast Europe clearly specifies that: „*States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all the appropriate national, bilateral and multilateral measures to prevent:*

- a) *The inducement or coercion of a child to engage in any unlawful sexual activity;*
- b) *The exploitative use of children in prostitution or other unlawful sexual practices;*
- c) *The exploitative use of children in pornographic performances and materials.*“

To further improve the system of protection of children from all forms of sexual violence and to implement the provisions of the Convention on the Rights of the Child, it was necessary to expand the measures to be undertaken by the States Parties in order to guarantee the protection of the child from a sale, which accompanies exploitation, and they dedicated particular attention to the problem of child prostitution and child pornography, as one of the most common and most severe forms of child exploitation. Therefore, the States agreed to the drafting of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, adopted on 25 May 2000 and entered into force on 18 January 2002, after a sufficient number of ratifications. All the countries in Southeast Europe have also ratified this document.

With the purpose of highlighting this problem in the region of Southeast Europe, Save the Children has, in cooperation with the members of the Ombudsmen for Children South East Europe Network: Ombudsman for children of Republika Srpska, National Ombudsman of Macedonia, Kosovo Ombudsperson Institution, the Human Rights and Freedoms Ombudsman of Montenegro, conducted a Survey based on a joint methodology.

The aim of this Survey is to present the key findings of the research, direct the attention of the general public to the problem of sexual exploitation of children in the region of Southeast Europe, and to contribute to the recognition and implementation of the recommendations of the Network of Ombudsmen for Children of Southeast Europe and the institutions that participated in the Survey, with the goal to adequately protect children from all forms of sexual exploitation.

We hope that this report will prompt the other institutions of Ombudsman in the region of Eastern Europe, and beyond, to conduct their own surveys on this topic using the same methodology, for the purpose of efficient action on suppression and prevention of sexual exploitation of children..

A handwritten signature in blue ink, appearing to read 'A. Pjano'.

Ahmed Pjano  
Director of Programmes

# SURVEY: TRENDS, PREVENTION AND PROTECTION OF SEXUAL EXPLOITATION VICTIMS

## METHODOLOGY

### Structure and topic of the survey

Topic of this survey are the policies and practices applied in the areas of prevention, protection of child victims of sexual exploitation and criminal prosecution of the perpetrators in Montenegro, Kosovo<sup>1</sup>, Former Yugoslav Republic of Macedonia (hereinafter: Macedonia) and Republika Srpska (Bosnia and Herzegovina), in the period between the beginning of 2008 and the end of June 2011. It is important to emphasize that different factors – demographic, inconsistencies in normative and regulatory frameworks, responsiveness of the respondents representing different organizations and institutions, as well as partial inconsistency of the methodology used – led to the fact that the results of this survey are not fully comparable. However, given the qualitative nature of the survey and the fact that the involvement of the Ombudsman institutions in this area is of a pioneering character, as well as the joint conclusion that the systems for data-collection and reporting on the phenomenon of the sexual exploitation of children are underdeveloped and insufficiently functional, the collected findings present the first, but extremely important steps in fundamental and organized planning of adequate strategies and measures for prevention of sexual exploitation of children.

The phenomenon of sexual exploitation of children is most frequently theoretically discussed in the context of Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse<sup>3</sup>. The Convention was signed by 25 countries, and ratified by 19.

Country	Date of signing	Date of ratification	Entry into force
Bosnia and Herzegovina	12/10/2011	X	X
Montenegro	18/06/2009	25/11/2010	01/03/2011
Kosovo	X	X	X
Macedonia	25/10/2007	11/06/2012	01/10/ 2012

*Table 1: Status of the Convention in the countries included in the survey*

The Convention defines the concept of sexual exploitation of children as intentional engagement in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities, where: a) use is made of coercion, force or threats; b) abuse is made of a recognised position of trust, authority or influence over the child, including within the family; c) abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence. The Convention regulates the issues pertaining to the following criminal offences:

- Child prostitution
- Child pornography
- Participation of a child in pornographic performances
- Corruption of children
- Solicitation of children for sexual purposes.

The Convention itself will be further discussed within the International Legal Framework Chapter.

In line with the above understanding of the Convention, each country participating in the Survey was subject to analysis of its own understanding of a concept of sexual exploitation of children, conducted through a review of criminal justice frameworks characterizing different types of legislation.

Among the countries participating in the Survey, only Macedonia and Montenegro both signed and ratified the Convention (Table 1). Along with other factors, this may be one of the reasons why the results of the Survey are not fully comparable.

<sup>1</sup> Kosovo, in accordance with the status affirmed by the UN Security Council Resolution 1244/99.

<sup>2</sup> Lanzarote 2007., CETS No.: 201.



Regardless of differences between the criminal justice frameworks of all the countries subject to the Survey, their legislation recognizes the requirements of the Convention through incrimination of criminal offences relating to child pornography, child prostitution and participation of a child in pornographic performances. Aside from the aforementioned, Kosovo i Montenegro have also well developed the frameworks for incrimination of criminal offences relating to corruption of children<sup>3</sup>, while neither of the countries isolates the offences of solicitation of children for sexual purposes (Table 2).

Kosovo	Macedonia	Republika Srpska	Montenegro
Rape	Rape	Rape	Rape
Sexual Violence against a Helpless Person	Sexual Violence against a Helpless Person	Sexual Violence against a Helpless Person	Sexual Violence against a Helpless Person
	Sexual Assault on a Child under the Age of 14		
	Sexual Intercourse by Abuse of Position	Sexual Intercourse by Abuse of Position	Sexual Intercourse by Abuse of Position
			Sexual Intercourse with a Child
			Prohibited Sexual Activities
Mediation in Conducting Prostitution	Mediation in Conducting Prostitution		Mediation in Conducting Prostitution
	Pandering and Facilitation of Sexual Intercourse with Children		Pandering and Facilitation of Sexual Intercourse with Children
Engaging in Prostitution caused by Parental Neglect	Engaging in Prostitution caused by Parental Neglect		
	Satisfaction of Sexual Lust in front of Another	Satisfaction of Sexual Lust in front of Another	
		Sexual Intercourse with a Child	
Cohabitation with a Juvenile	Cohabitation with a Juvenile	Cohabitation with a Juvenile	
Trafficking in Human Beings	Trafficking in Children	Trafficking in Human Beings for the Purpose of Prostitution	Trafficking in Human Beings
Abusing Children for Pornographic Purposes		Abusing Children and Juveniles for Pornographic Purposes	
Production and Distribution of Child Pornography via Computer Systems	Production and Distribution of Child Pornography	Production and Screening of Child Pornography	Screening of Pornographic Material in Presence of Children and Production and Possession of Child Pornography
Pornographic use (Trafficking in Human Beings)	Screening of Child Pornography		
Intentionally involving a Child in Witnessing or Participating in Sexual Activities			Intentionally involving a Juvenile to Witness or Participate in Criminal Offences against Sexual Freedom
Incest	Incest	Incest	
Sexual abuse			

*Table 2: Review of criminal offences relevant for the survey, listed by respective countries*

<sup>3</sup> Criminal offences will be further discussed within the International Legal Framework Chapter, page 27.

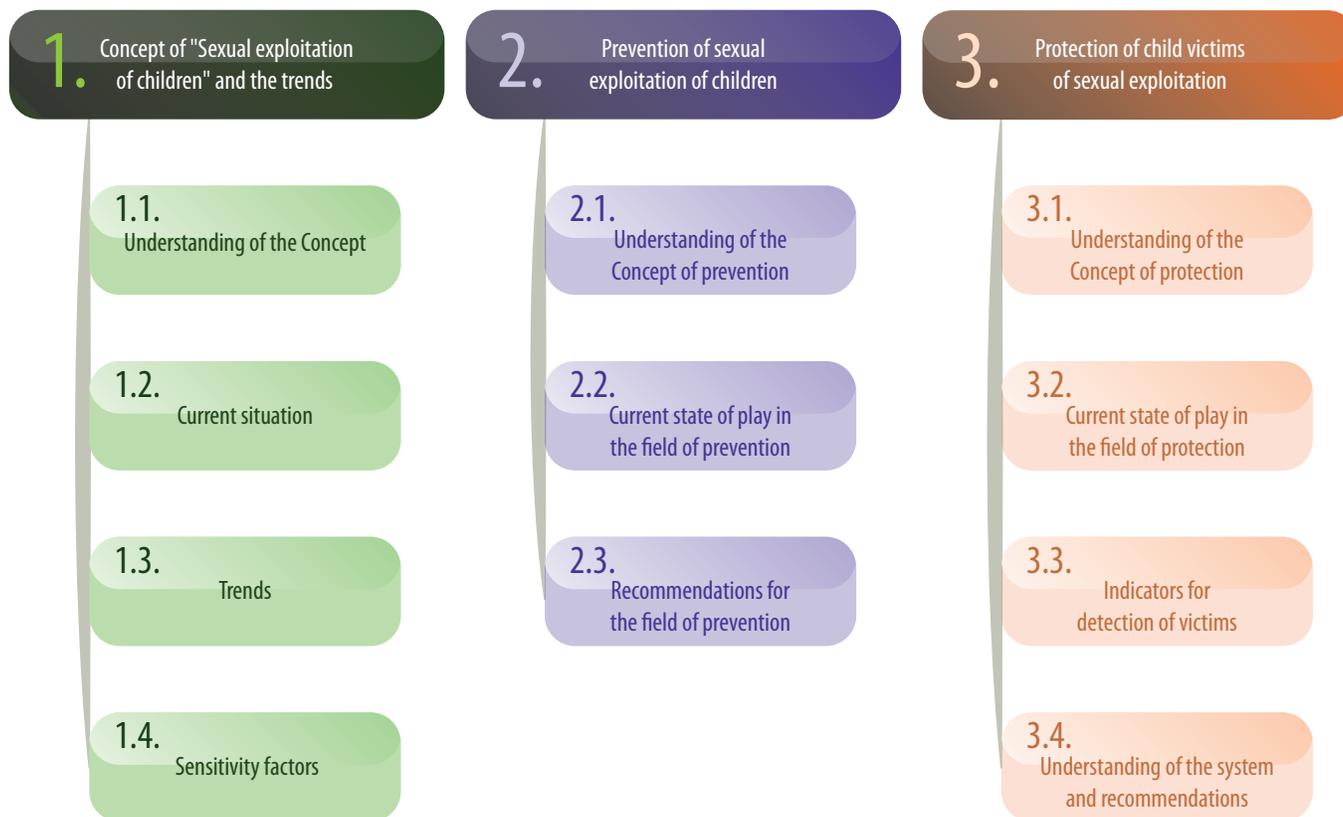
It is important to note that the formulated survey framework envisaged that the topic of sexual exploitation of children shall be viewed in a broader context: poverty, social exclusion/inclusion and multiple marginalization, child rights and the like. Also examined were the specific phenomena – trafficking in human beings and its various aspects, as well as (potential) sensitivity factors regarding sexual exploitation. Consideration of a broader framework made possible the analysis of potential causes of specific forms of sexual exploitation, and, thus, the formulation of recommendations for proactive, rather than usual reactive, approach. This also implies creation of a framework for an adequate and targeted prevention, instead of the usual approach of analyzing the situation exclusively within the domain of rehabilitation of consequences of sexual exploitation of children. In that regard, this model is more comprehensive and it provides for the analysis of both the possibility to adequately assist the child victims, as well as the systems to function in the field of protection in order to protect potential victims before the exploitation occurs.

## Objectives of the Survey

The general objectives of the Survey present the analysis of the following frameworks:

1. Determining the level of understanding of the concept of sexual exploitation of children and understanding of the trends in this field – **Concept of sexual exploitation of children and the trends;**
2. Determining the state of play in the field of prevention of sexual exploitation of children in the last four years and formulation of recommendations to improve the prevention system – **Prevention of sexual exploitation of children;**
3. Determining the state of play in the field of protection of child-victims of sexual exploitation in the last four years and formulation of recommendations to improve the system of assistance and support – **Protection of the child victims of sexual exploitation.**





*Scheme 1: General and specific objectives of the Survey*

**General objective 1:** Determining the level of understanding of the concept of *sexual exploitation of children* and understanding of the trends in this field in Montenegro, Macedonia, Republika Srpska (Bosnia and Herzegovina) and Kosovo, in the period between 2008 and the end of June 2011.

**The First specific objective** of the Survey (1.1), within the general objective 1, is to understand how the respondents (in this case – professionals in the field of prevention of sexual exploitation and professionals engaged in work with the victims) interpret the concept of *sexual exploitation of children*. **The Second specific objective** (1.2) relates to understanding of the current situation in this field, the key social phenomena and processes affecting this issue, either in direction of reducing the scope of the problem or its augmentation. The analysis of the trends in this field focuses on determining the differences in the extent and manifestations of the problem in the period between 2008 and the end of June 2011, presenting **the Third specific objective** (1.3) of this aspect of the Survey.

Achievement of these three objectives is determined by responses to the group of questions concerning:

- Understanding of the concept of *sexual exploitation of children*
- Number of victims of sexual exploitation in the period 2008-2011
- Issues affecting the phenomenon
- Differences in the extent and manifestations of the problem within the given time frame

Finally, the **Fourth specific objective** (1.4) in this segment of the Survey is understanding of the way in which the respondents comprehend the actual exposure to the risk of sexual exploitation and the groups that are most exposed to this risk, through the questions concerning:

- Victims' profiles
- Specific groups: children without parental care, children living and working on the streets, children with disabilities, insufficiently mentally developed children, children living in settlements with high/low concentration of people, children living below the poverty line, children migrants...
- Types of exploitation.

**General objective 2:** Determining the state of play in the field of prevention of sexual exploitation in the last four years.

**The First specific objective (2.1)**, within the General objective 2, is understanding the way in which the respondents see the field of prevention, along with the necessary measures and results of the prevention program – which is a key condition for the later preparation of recommendations to improve the system of prevention, and, thus, direct assistance to the victims of sexual exploitation. In this context, the opinions of the professionals were specifically explored in relation to the opinions and knowledge of the exploitation victims. The questions regarding the following issues will be formulated during the clarification of this problem:

- Measures in the field of prevention
- Program objectives
- Program results
- Target groups
- Partner organizations/institutions
- Influence of specific measures on the victims
- Phenomenon dynamics vs. Program results

**The Second specific objective (2.2)** is to determine the current state of play in the field of prevention of sexual exploitation through the analysis of the existing programs and problems manifested during the implementation of those programs (or in addressing the desired target groups). In order to determine the state of play in the field of prevention, the respondents were asked the questions concerning:

- Prevention programs implemented in 2008-2011
- Prevention programs they participated in, as target groups
- Partner organizations/institutions
- Problems/shortcomings of the existing prevention programs
- Methods to improve the prevention system

**The Third specific objectives (2.3)** – Recommendations to improve the prevention system are formulated on the basis of analysis of the responses to the questions on potential ways to strengthen the system of prevention of sexual exploitation of children.

**General objective 3:** Determining the state of play in the field of protection of child-victims of sexual exploitation in the last four years and formulation of recommendations to improve the system of direct assistance.

Within this general objective, **the First specific objective** of the Survey (3.1) is to analyze the understanding of how the field of direct assistance is viewed, particularly in the context of the needs of child victims, but also to analyze the measures in the field of direct assistance, where the relevant questions were posed to both the professionals and victims themselves.

**The Second specific objective (3.2)** is to determine the current state of play in the field of direct assistance and make an overview of the situation in the last four years. The existing programs were analyzed within the scope of this objective, as well as the problems manifested during the implementation of those programs. In order to determine the state of play in the field of prevention, the respondents were asked the questions concerning:

- Programs and activities from the field of victims assistance (for the period 2008–2011)
- Programs/activities appropriate for specific conditions of work with children, children without parental care, children living and working on the streets, children with disabilities, insufficiently mentally developed children, children living in settlements with high/low concentration of people, children living below the poverty line, children migrants...
- Victims' needs
- Partner organizations/institutions
- Problems in the field of victims' protection

Particularly important, in the analysis of this segment of the Survey, is the comparison between the professionals' opinion on the situation in the field of assistance and the opinion of the victims themselves.

**The Third specific objective (3.3)** is formulated as an evaluation of understanding of the indicators referent for identification of the victims. This objective is reached thanks to the responses to the questions posed in order to obtain the information on child-victims of sexual exploitation (special consideration was given to responses of the centers for social work, referent institutions for variety of engagements in the field of prevention and protection of the victims).



The assessment of understanding of the victims’ assistance system (as well as knowledge on the cases of trafficking in human beings, with the goal of sexual exploitation and forced marriage), and responsibilities of all the stakeholders in the field of prevention of sexual exploitation of children, makes for **the Fourth specific objective** (3.4) within this General objective. The said assessment of understanding is reached through analysis of responses to questions concerning responsibilities of the police, social welfare centers, schools, health institutions, referral mechanisms for victims of trafficking in human beings...

The topical questions:

- Whether any of the professionals among the respondents ever worked with any beneficiaries suspected of being victims of sexual exploitation, unconfirmed by any other service, or
- What was specifically undertaken in a situation where there was a suspicion about someone potentially being a victim of sexual exploitation ?

were used to assess the cooperation capacity of organizations/institutions, as well as their knowledge on responsibilities of other services/organizations. Finally, respondents were asked the following questions:

- Whether they know of any protocols on handling the cases of sexual exploitation, but also
- Whether they are aware of the protection programs for victims of sexual exploitation on both local and national level.

In addition, within this specific objective, the respondents also answered the questions regarding the methods used to improve the system of direct assistance.

## Sample and method

### Analysis of normative and legislative frameworks – national and international

Analysis of the normative and legislative frameworks was conducted with the aim to create an overview of the existing framework for prevention, prosecution of perpetrators and protection of the victims of sexual exploitation, analyze the existing mandates and mechanisms and formulate the recommendations to improve the framework through comparison with international frameworks/standards. Four studies thus contain the overview of the most important international documents, as well as the national normative and regulatory frameworks, including the legislation, strategic and action plans, and other relevant sources.

### Analysis of statistical data and reports

The Survey also included the analysis of statistical data provided by the ministries and other relevant institutions (bureaus of statistics, institutes, coordination services...) for the period between 2008 and 2011, in order to analyze the data collection system and formulate recommendations for potential improvements of this system.

### Secondary survey

Secondary survey, or the analysis of the existing available reports/publications, was done in situations where there was a need to amend the data collected by using other methods, and particularly the situations where data on prevention programs and programs of direct assistance was impossible to obtain in other ways (when organizations do not respond to invitation to participate in interviews or complete the questionnaires).

### Questionnaires for professionals in the field of social protection

State/entity	Questionnaires distributed	Questionnaires completed
Montenegro	20	19
Kosovo	24	23
Macedonia	32	32
Republika Srpska (BH)	60	48
<b>Total</b>	<b>136</b>	<b>122</b>

*Table 3: Questionnaires distributed and completed by centers for social work/social protection institutions*

Questionnaires were distributed to all the social protection institutions on the territory covered by the Survey and they contained questions concerning the number of identified cases of sexual exploitation victims in the period between 2008-2011, prevention standards, work with the victims and cooperation with other institutions/organizations, as well as space to improve the situation in the field of prevention of sexual exploitation of children - prevention and protection of child victims. A total of 122 completed questionnaires was received (Table 3).

## Questionnaires for professionals in the field of criminal prosecution (police, prosecutors, courts)

Institutions	Ditributed and completed	Montenegro	Macedonia	Kosovo	Republika Srpska (BH)	TOTAL
Police administration/ MoI and Public Security Centers/Kosovo Police	Questionnaires distributed	14	11	8	5	38
	Questionnaires completed	7	11	8	5	31
Basic and district prosecutors' offices	Questionnaires distributed	13	22	12	5	54
	Questionnaires completed	13	22	8	4	47
Basic, district and municipal courts	Questionnaires distributed	15	28	28	24	75
	Questionnaires completed	13	28	18	21	80

Table 4: Questionnaires distributed and completed by professionals in the field of criminal prosecution

Questionnaires were distributed to the basic and district prosecutor's offices, basic, district and municipal courts, as well as police administrations and public security centers (Republika Srpska – BH) – Table 4 – and they contained questions concerning the number of victims, perpetrators, court proceedings and verdicts for criminal offences related to sexual exploitation of children. The questionnaires also contained questions on standards of protection of victims/witnesses, prevention and cooperation with other institutions/organizations.

## Questionnaires for professionals from civil society organizations active in the field of prevention and assistance

State/entity	Questionnaires distributed	Questionnaires completed
Montenegro	4	1
Kosovo	5	3
Macedonia	10	9
Republika Srpska (BH)	6	6
<b>TOTAL</b>	<b>25</b>	<b>19</b>

Table 5: Questionnaires distributed and completed by professionals from civil society organization

Questionnaires were distributed to civil society organizations active in the field of prevention and protection of victims of sexual exploitation (Table 5) and they contained questions concerning the number of identified cases of sexual exploitation victims in the period between 2008-2011, prevention standards, work with the victims and cooperation with other institutions/organizations, as well as space to improve the situation in the field of prevention of sexual exploitation of children - prevention and protection of the victims. A total of 19 completed questionnaires was received.

## Focus-group interview

Focus-group interviews were conducted with the respondents from the group of professionals engaged in prevention of sexual exploitation of children, representing: centers for social work and other social protection institutions, police, judiciary, prosecutors, civil

society organizations, educational system, courts, health institutions, executive and legislative authorities – stakeholders in processes of making decisions and creating policies in this field. In Republika Srpska, work with the focus-groups included the young advisors to the Ombudsman for Children of Republika Srpska, highschool students who have undergone appropriate training in the field of child rights’ protection, and this is an example of a good practice in the context of the right to participate.

## In-depth interview

A total of 17 in-depth interviews were conducted with child victims of sexual exploitation and children in risk due to exposure to certain vulnerability factors. Six of those interviews took place in Montenegro, five in Macedonia, three in Republika Srpska and three in Kosovo. When conducting in-depth interviews, the principle of anonymity and voluntariness was consistently respected. In that regard, cooperation was established with organizations active in work with victims of sexual exploitation. Interviews were conducted by professionals specially trained for work with victims of violence/sexual exploitation, in order to avoid revictimization of child victims and provide for full respect of their rights.

## Case studies

Osam studija slučajeva zasnovanih na dubinskim intervjuima i podacima dostupnim iz drugih izvora urađeno je za potrebe istraživanja, i to tako što su na detaljan način prikazane karakteristike djece-žrtava seksualne eksploatacije i samog čina eksploatacije (regrutovanje, eksploatacija, posljedice), kao i sistem zaštite i programi direktne pomoći te specifični faktori osjetljivosti.

•••

The Ombudsman for Children of Republika Srpska organized, as a part of the Survey, the round table *Sexual Exploitation of Children in Republika Srpska*. The round table was attended by the representatives of: the RS Ministry of Education and Culture, the RS Ministry of Family, Youth and Sports, RS Ministry of Internal Affairs, RS Ministry of Health and Social Protection, RS Ministry of Justice, Public Security Center Banja Luka, judiciary, RS Pedagogical Institute, centers for social work, elementary schools, nongovernmental organizations and young advisors to the Ombudsman for Children.



## Procedures

The Survey was conducted between December 2011 and end of May 2012, where different methods were used during this time-frame. It started with analyzes of international and national legal frameworks relevant for the topic of the Survey.

The total of 17 focus-group interviews took place, where the groups consisted of five to eight participants; 17 in-depth interviews in places of residence of the interviewees or the premises of organizations/institutions providing their accommodation. Questionnaires were distributed to all the centers for social work on the territory of countries participating in the Survey and Republika Srpska. In addition, questionnaires were also distributed to all the basic and district prosecutors' offices, as well as all the basic, district and municipal courts and police administrations (public security centers in case of Republika Srpska).

Focus-groups interviews lasted between 110 and 160 minutes.

The in-depth interviews were organized with prior consent of the interviewees and parents/guardians. Interviews were conducted by persons specially trained for work with children, in order to avoid revictimization of child victims and provide for full respect of the rights of child interviewees.

In addition to data collected during in-depth interviews, case studies were also formulated on the basis of data collected from institutions/organizations engaged in the field of assistance/protection of victims and potential victims.

The procedure included the previous agreement on methodology to be used, reached during the joint preparatory meetings, as well as consultations with the Save the Children consultants and experts. A regional thematic meeting took place as well.

The final stage included preparation of the national reports.

## Instruments

Given the objectives of the Survey – identifying trends in the field of sexual exploitation of children, state of play in the fields of prevention and protection of victims in the last four years, assessment of the organizations'/institutions' capacity to provide an adequate response in prevention of this problem and formulation of recommendations to improve the whole system – it was important to examine the knowledge of professionals in collaboration with the key players, as well as understanding of relations between the stakeholders; but



also the experience in recognizing the sensitivity factors and, at the same time, the key target groups, adequate prevention programs, and the barriers preventing full social inclusion of the identified victims of sexual exploitation.

For that purpose, used were the explorative focus-group interviews and the open, additional questions, in order to operationalize specific concepts or hypotheses, but also to potentially deconstruct the traditional understanding of the division between the institutions of the state and the civil society. The topics of the focus-group interviews were as follows:

- Trends in the field of sexual exploitation of children, in the period between 2008 and 2011, in the countries participating in the Survey (and Republika Srpska);
- Profiles of identified victims of sexual exploitation (sensitivity factors);
- Programs of prevention and direct assistance to victims of sexual exploitation in the period between 2008 and 2011;
- Establishment of formal and informal cooperation in implementation of the mentioned programs;
- Problems and recommendations to overcome the problems in the fields of prevention and direct assistance.

Key areas of discussion in all the seventeen focus-groups were, in general, as follows:

- Differences in recruitment methods and types of exploitation, as well as differences between the specific groups of children and specific types of exploitation: children without parental care, children living and working on the streets, children with disabilities, insufficiently mentally developed children, children living in settlements with high/low concentration of people, children with acute or chronic illnesses, children living below the poverty line, children migrants...
- Circumstances that led to a situation of exploitation (past violence, economic situation, educational status, belonging to a marginalized group and past discrimination, „invisibility“ in the system, etc.);
- Previous effects of programs of prevention and direct assistance and their sustainability;
- Assessment of the victims' needs in light of available resources, as well as specificities of prevention and assistance in relation to specificities of the target groups.

In the segment of the Survey that was methodologically prepared using the in-depth interviews, interviewees were the interested child victims of sexual exploitation and children from the groups previously mapped as groups most exposed to the risk. Questions for in-depth interviews were specially prepared for each specific group, depending on the status of the group (victims of trafficking in human beings, victims of other types of exploitation) or sensitivity factors (poverty, civil status, migrations, degree of violence suffered, traditional understanding of gender roles). Basically, questions were formulated so as to provide the overview of:

- Self-assessment of the factors (potentially) leading to the risk of exploitation;
- Situations the victims were in prior to exploitation – educational, economic, civil status, health situation, interests...
- Circumstances of exploitation itself;
- Sense of security with regards to exposure to various threats (from physical violence to discrimination, poverty, and complete exclusion);
- Ambitions and understanding of possibilities for finding a way out of situations of risk;
- Previous knowledge on the phenomenon of sexual exploitation and methods used to obtain such information;
- Cooperation and trust in institutions and organizations of civil society that provide assistance;
- Recommendations to improve the system of prevention and protection.

In addition, child victims of sexual exploitation were specifically consulted on their impressions of the existing prevention programs and expectations they have for protection programs, as well as sustainability of current solutions. Depending on group affiliation, discussed were the following topics:

- The definition and types of sexual exploitation;
- Recruitment methods (when relevant);
- Understanding of the concepts of violence and sexual exploitation;
- Possibilities provided by the system and knowledge on services that should be provided within the frameworks of different systems (primarily – social and health protection);
- Specific situations where there is suspicion of recruitment or recruitment attempts;
- Migration tendencies of the victims and groups at risk;
- Possibilities to implement prevention programs and most effective methods for each group, and the degree of possible deprivation;
- Expectations and requirements to exit the current situation of vulnerability

**All instruments are developed in cooperation** with the offices of Ombudsman in Montenegro, Macedonia, Republika Srpska (Bosnia and Herzegovina) and Kosovo.

## INTERNATIONAL LEGAL FRAMEWORK

Under international law, states are obliged to respect, protect and facilitate the right to life, dignity, physical and mental integrity, protection from discrimination, slavery and slavery-like practices, as well as other rights and freedoms enshrined in international instruments<sup>4</sup>. State authorities are obliged to abstain from any act of violation of human rights, and to take active measures in prevention of such violations and implement solutions providing all the people, especially children, with the opportunity to enjoy their rights. Therefore, the fact that criminal activity of sexual exploitation is in most cases conducted by private individuals does not relieve the modern states of accountability for violations of human rights. Aside from the cases where direct responsibility of the state bodies for such violations is established, the states may, in a certain sense, be considered indirectly responsible for violations of human rights conducted by any individual, if they have failed to take efficient measures to prevent such violations or prosecute the perpetrators. The issue of liability of the state may be raised when the state fails to undertake appropriate measures to prevent sexual exploitation of children and protect them, or anticipate incrimination of all types of exploitation, improve the crime-control measures, victims' protection measures and general preventive activities.

Incrimination of sexual exploitation of children is a universal requirement set before the modern states. The most important universal document, representing the crown of the efforts of the UN member-states to counter this problem, is the United Nations' Convention on the Rights of the Child. With the aim to follow the development of the international policies to protect children from exploitation, we will list here the relevant international documents in chronological order.

### Convention for the Protection of Human Rights and Fundamental Freedoms

European Convention<sup>5</sup> is an international agreement between the Member States of the Council of Europe and a fundamental document presenting the foundation for protection of human rights and freedoms. This Convention lists a number of rights in direct or indirect context of the Survey, such as: Right to Life (Article 2), Prohibition of Torture and Inhuman or Degrading Treatment (Article 3), Prohibition of Slavery and Forced or Compulsory Labor (Article 4), Right to Liberty and Security of Person (Article 5), Right to Respect for Private and Family Life (Article 8), Prohibition of Discrimination on Any Ground (Article 14), Prohibition of Abuse of Rights (Article 17) etc.

### Convention on the Compensation of Victims of Violent Crimes

This Convention of the Council of Europe sets the standard in the area of compensation of victims of violent crimes. Implementation of this Convention is followed by two recommendations providing additional explanations and requirements for the signatories to undertake specific measures:

- Recommendation on the Position of Victims in the Framework of Criminal Law and Procedure (1985)
- Recommendation on Assistance to Victims and Prevention of Victimization (1987).

### Convention on the Rights of the Child

The Convention on the Rights of the Child<sup>7</sup> obliges the States Parties to undertake all the appropriate legislative, administrative, social and educational measures to protect children from physical or mental violence, injuries or abuses, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in care of parents, legal guardians or any other responsible person who has the care of the child. Such protective measures shall, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care for the child, as well as for other forms of prevention, identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment and, as appropriate, for judicial involvement (Article 19 of the Convention). States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all the appropriate national, bilateral and multilateral measures to prevent:

---

<sup>4</sup>International Covenant on Civil and Political Rights (1966.), International Covenant on Economic, Social and Cultural Rights (1966.), Convention on Elimination of all Forms of Discrimination Against Women (1979.), Convention on the Rights of the Child (1989.), European Convention for the Protection of Human Rights and Fundamental Freedoms (1950.), Charter of Fundamental Rights of the European Union (2000.) etc.

<sup>5</sup>Rome, 4 November 1950

<sup>6</sup>ETS No. 116.

<sup>7</sup>Adopted at the UN General Assembly, 1989 (44/25 from 20/11/1989).

- The inducement or coercion of a child to engage in any unlawful sexual activity;
- The exploitative use of children in prostitution or other unlawful sexual practices;
- The exploitative use of children in pornographic performances and materials (Article 34 of the Convention).

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child. (Article 39 of the Convention).

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision (Article 3 of the Convention). In the context of this Survey, the Convention on the Rights of the Child also contains special provisions providing the measures to:

- Protect children from the use of narcotic drugs and psychotropic substances (Article 33);
- Prevent the abduction of, the sale of or traffic in children for any purpose or in any form (Article 35);
- Protect children from all forms of exploitation (Article 36);
- Protect children from inhuman or degrading treatment or punishment (Article 37).

## Council of Europe Committee of Ministers Recommendation Concerning Sexual Exploitation, Pornography and Prostitution of, and Trafficking in, Children and Young Adults

Recommendation R(91)11 calls for the inclusion of information on dangers of sexual exploitation and abuse in the programs of primary and secondary education; provision of confidentiality in court and administrative proceedings and respect for the Child's Right to privacy; provision of appropriate sanctions against those involved in production and distribution of pornographic material involving children.

### European Social Charter (revised)

In the context of this Survey, the European Social Charter (revised)<sup>8</sup> establishes, among other rights, the Right of Children and Young Persons on Social, Legal and Economic Protection, where the States Parties undertake to either directly or in cooperation with public and private organizations take all appropriate and necessary measures designed to „protect children and young persons from negligence, violence and exploitation.“

## Council of Europe Parliamentary Assembly Resolution on Sexual Exploitation of Children

Resolution 1099 (1996.) calls upon the member states of the Council of Europe to unite their efforts and their resources to combat child prostitution, trafficking and pornography, to increase international cooperation, to promote information campaigns for children and their parents, and also provide educational and psychological care for children who are victims of sexual exploitation. Among other measures, the Assembly encourages the member states to reinforce punitive measures at national level and adopt criminal legislation on child prostitution without delay, especially:

- a. to include in their criminal legislation the principle of extraterritorial prosecution and conviction for offences;
- b. to foresee a sufficiently long statutory limitation for the prosecution of offences against minors (at least twenty years, and a time-limit for starting proceedings that extends at least five years beyond the age of majority);
- c. to create the following new criminal offences, punishable by deterrent sentences:
  - the possession of pornographic material, such as videos, documents or photographs involving children;
  - the manufacture, transport and distribution of pornographic material showing minors;
  - the broadcasting and recording of pornographic images of minors.
- d. to enact legislation providing that all sexual offences involving children should be classified as serious offences; such offences should under no circumstances be included in a category of less-serious offences;

- e. to harmonise, as far as possible throughout Europe, the treatment of sexual offenders, in particular concerning release on parole, psychological treatment and social monitoring;
- f. to incorporate into their legislation the principle that a minor under the age of 15 years cannot give her or his consent to sexual relations with an adult.

The Assembly asks member states to take concrete measures to put an end to sex tourism, in particular to enable criminal and administrative measures to be brought against travel agencies and tour operators (withdrawal of licence, fines, etc.) and also calls on member states to combat sex tourism *protiv*. Furthermore, the Assembly advocates that programs of specific training for professionals working with children (teachers, judges, lawyers, etc.) be introduced in member states, and that specially trained units be set up by the police and in the courts to take care of minors who are victims of sexual abuse. The Assembly asks member states:

- 1. to include in school curricula information on the potential risks facing children and the ways in which they may protect themselves;
- 2. to call upon the media to help increase general awareness and to adopt appropriate ethical rules.

## The Convention on Prohibition and Immediate Action to Eliminate the Worst Forms of Child Labor

The International Labor Organization Convention C182 (1999)<sup>49</sup> obliges the States Parties to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor. According to the Convention, the term “child” shall apply to all persons under the age of 18, and the term “the worst forms of child labor” comprises: (a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict; (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

## Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Article 1 of the Protocol<sup>9</sup> provides that the States Parties shall prohibit the sale of children, child prostitution and child pornography, where the sale, prostitution and pornography are defined as follows:

- a. Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;
- b. Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;
- c. Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes (Article 2).

Also, the Protocol provides that each Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis: a) In the context of sale of children – offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation of the child, transfer of organs of the child for profit or engagement of the child in forced labour; improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption; b) In the context of child prostitution - offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2; In the context of pornography - producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in Article 2 (Article 3).

Aside from the mentioned obligations, each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, when the alleged offender is a national of that State or a person who has his habitual residence in its territory and when the victim is a national of that State.

Particularly interesting, in context of this Survey, is the Article 7 of the Protocol, providing that States Parties shall take measures to provide for the seizure and confiscation of goods, such as materials, assets and other instrumentalities used to commit or facilitate offences under the present protocol; proceeds derived from such offences, and take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

<sup>9</sup> Adopted by UN General Assembly Resolution, 25 May 2000.



## Convention against Transnational Organized Crime

The main aim of the United Nations' Convention<sup>10</sup> is to, through foreseen measures, increase efficiency in fight against transnational organized crime, especially in the area of trafficking in human beings, with special emphasis on trafficking in children.

## Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

Incrimination of trafficking in human beings is a universal requirement set before the modern states. The most important universal document, representing the crown of the efforts of the UN member-states to counter this problem, is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (The Palermo Protocol)<sup>11</sup>, supplementing the United Nations' Convention against Transnational Organized Crime. Article 3 of this Protocol extensively defines trafficking in human beings<sup>12</sup> as „recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.“ „Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.“ The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant where any of the abovementioned means have been used, while recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in human beings” even if this does not involve any of the previously listed means. „Child“ is explicitly defined as any person under eighteen years of age. Each State Party shall adopt such legislative and other measures as may be necessary to incriminate trafficking in human beings,<sup>13</sup> where some

<sup>10</sup> Adopted by the Resolution A/RES/55/25 from 15 November 2000, at the 55th Session of the United Nations' General Assembly.

<sup>11</sup> Adopted at the time of adoption of the Convention

<sup>12</sup> This instrument, unlike the previous ones, finally reached the consensus in defining the trafficking in human beings. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others from 1949 was, for an instance, harshly criticized because of inadequate definition of trafficking in human beings and its reduction to exploitation of prostitution, where other types of exploitation were ignored, the result of which was the characterization of the Convention as an anti-prostitution, rather than anti-trafficking agreement.

<sup>13</sup> Although the prohibition of slavery, as *norma ius cogens* (hence the obligation even for the countries that are not signatories of the Convention on Prohibition of Slavery and the Anti-trafficking Protocol), is technically limited to the classical form of slavery, understandable are the arguments that it could be extended to practices similar to slavery, such as trafficking in human beings.

of the said measures are: to establish comprehensive policies, programmes and other measures to prevent and combat trafficking in human beings and protect victims from revictimization, undertaking various measures of general prevention, improving the efficiency of border controls, provision of cooperation of state bodies on national and international level to facilitate the more efficient control over the issue of human trafficking etc.

By signing the Palermo Protocol, each State Party accepts the obligation to adopt such legislative measures to establish as criminal offences: attempting to commit an offence of trafficking in human beings, participating as an accomplice in this type of offence or organizing or directing other persons to commit it. In addition, each State Party shall protect the privacy and identity of victims of trafficking in human beings and ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases: a) Information on relevant court and administrative proceedings; b) Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence. In the context of victim protection, Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of: appropriate housing, counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand, medical, psychological and material assistance; and employment.

In the context of this Survey, it is particularly important to add that, in accordance with this Protocol, Each State Party shall take into account the age, gender and special needs of victims of trafficking in human beings, in particular the special needs of children, including appropriate housing, education and care.

Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in human beings the possibility of obtaining compensation for damage suffered. In addition, with humanitarian component in mind, each State Party shall consider adopting legislative measures that permit victims of trafficking in human beings to remain in its territory, temporarily or permanently, in appropriate cases.

States Parties shall provide constant training for all the relevant officials involved in any way in the prevention of trafficking in human beings. The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers.

The Palermo Protocol explicitly prescribes, in the Article 14, that nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law. This particularly applies to the rights relating to the Status of Refugees and the principle of non-refoulement – in cases where victims of trafficking in human beings have a reasonable fear that their lives or freedoms would be threatened in their countries of origin by the very fact that they were victims of trafficking in human beings.

## Recommendation on Protection of Children against Sexual Exploitation

Recommendation (2001)16 of the Council of Europe calls for planning and implementing measures, policies and practices with regard to the fight against sexual exploitation, promoting co-operation on various aspects of sexual exploitation of children nationally and internationally, eliminating child pornography, child prostitution and trafficking in children with or without the child's consent and promotion of well-being and best interests of children.

## Convention on cybercrime

The Convention of the Council of Europe, adopted in Budapest in 2001<sup>14</sup> obliges the States Parties to adopt such legislative measures as may be necessary to establish as criminal offences under its domestic law the following conduct:

- producing child pornography for the purpose of its distribution through a computer system;
- offering or making available child pornography through a computer system;
- distributing or transmitting child pornography through a computer system;
- procuring child pornography through a computer system for oneself or for another person;
- possessing child pornography in a computer system or on a computer-data storage medium.

<sup>14</sup> CETS No.: 185.

In this context, the term “child pornography” shall include pornographic material that visually depicts:

- a. a minor engaged in sexually explicit conduct;
- b. a person appearing to be a minor engaged in sexually explicit conduct;
- c. realistic images representing a minor engaged in sexually explicit conduct.

The Convention defines as a „minor“ all persons under 18 years of age. A Party may, however, require a lower age-limit, which shall be not less than 16 years. The Convention also sets the general principles relating to international co-operation. The Convention and its accompanying protocol establish an obligation for the States Parties to adopt such legislative and other measures as may be necessary to provide for prosecution of perpetrators of criminal offences against the confidentiality and availability of computer data and systems, responsibilities of the police and the courts etc. itd.

## EU Council Framework Decision on Combatting Trafficking in Human Beings

One of the most important European Union’s instruments to combat trafficking in human beings is the EU Council Framework Decision on Combatting Trafficking in Human Beings (2002/629/JHA) from 2002. This Decision provides, under certain conditions, the liability of legal entities for trafficking in human beings<sup>15</sup>. Regarding the penalties against the perpetrators, this Instrument explicitly requests that each State Party shall take the necessary measures to ensure that trafficking in human beings is punishable by terms of imprisonment with a maximum penalty that is not less than eight years where the offence has been committed in any of the following circumstances: deliberately or by gross negligence endangering the life of the victim; against a victim who was particularly vulnerable; by use of serious violence or causing particularly serious harm to the victim, or within the framework of a criminal organisation.

## Resolution on Sexual Exploitation of Children

Resolution 1307(2002.) of the Council of Europe calls for the States Parties to tackle the problem of sexual abuse of children by people in positions of trust, such as parents, caregivers, teachers, police or the clergy, through the appropriate bodies.

## Convention on Action against Trafficking in Human Beings

Purposes of the Council of Europe Convention<sup>16</sup> are:

- a. to prevent and combat trafficking in human beings, while guaranteeing gender equality;
- b. to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
- c. to promote international cooperation on action against trafficking in human beings.

The Convention presents, in a sense, a cross section and an upgrade of the normative solutions of the Palermo Protocol and the EU Council Framework Decision on Combating Trafficking in Human Beings, enhanced by strong promotion of the approach based on human rights, specifying measures for protection of the victims and prevention of trafficking in human beings, as well as providing for a monitoring mechanism – a multidisciplinary group of experts („GRETA”) to monitor the implementation of this Convention by the Parties (Article 36). The provisions of the Convention shall apply to all forms of trafficking in human beings, whether national or transnational, whether or not connected with organised crime (Article 2). It is interesting that in addition to requirements regarding incrimination of trafficking in human beings (as defined under the Palermo Protocol), forging of travel or identity documents, procuring such documents, destroying, damaging, removing and retaining travel or identity documents of another person (including the attempts at these offences, aiding or abetting), the Convention foresees that the States Parties shall consider adopting measures to establish as criminal offences under its internal law the use of services which are the object of exploitation with the knowledge that the person is a victim of trafficking in human beings (Article 19). In addition, the States Parties shall ensure that the following circumstances are regarded as aggravating circumstances: endangering the life of the victim, commission of offence against a child or by a public official in the performance of her/his duties, or within the framework of a criminal organisation.

The Convention provides for specific measures to reduce the exposure of children to trafficking, primarily by creating a climate favoring the protection of children. Special attention is dedicated to identification of victims and provision of assistance to child victims. For that purpose, each Party shall provide its competent authorities with persons who are trained and qualified in preventing

---

<sup>15</sup> Legal persons can be held liable for an offence committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, or where the lack of supervision or control have rendered possible the commission of an offence for the benefit of that legal person by a person under its authority. (Article 4 paragraphs 1 and 2 of the EU Council Framework Decision on Combatting Trafficking in Human Beings).

<sup>16</sup> CETS No.: 197 from 2005.

and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organisations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits. Article 10 Paragraph 3 states that „when the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age.“

As soon as an unaccompanied child is identified as a victim (or suspected of being one), the States Parties shall: a) provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child; b) take the necessary steps to establish his/her identity and nationality; c) make every effort to locate his/her family when this is in the best interests of the child.

In addition, each Party shall adopt measures to ensure that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known, through the media or by any other means, except, in exceptional circumstances, in order to facilitate the tracing of family members or otherwise secure the well-being and protection of the child (Article 11) and provide special protection measures taking into account the best interests of the child (Article 28).

## Convention on Protection of Children against Sexual Exploitation and Sexual Abuse

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse is one of the more recent international documents and presents a legal foundation for further upgrading of the legislative framework in the field of protection of children from sexual exploitation and abuse. The purposes of this Convention, in line with its Article 1, are to:

- a. Prevent and combat sexual exploitation and sexual abuse of children;
- b. Protect the rights of child victims of sexual exploitation and sexual abuse;
- c. Promote national and international co-operation against sexual exploitation and sexual abuse of children.

The Convention defines **sexual abuse of children** as engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities, by: a) use of coercion, force or threats; b) abuse of a recognised position of trust, authority or influence over the child, including within the family; c) abuse of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

The Convention regulates the issues relating to criminal offences of child prostitution, and defines „**child prostitution**“ as use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment, regardless if this payment, promise or consideration is made to the child or to a third person. In that sense, the Convention prescribes that Parties take the necessary measures to ensure that the following intentional conduct is criminalised: a) recruiting a child into prostitution or causing a child to participate in prostitution; b) coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes; c) having recourse to child prostitution.

In addition, the Convention regulates the issues relating to offences of **child pornography** by prescribing that each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, when committed without right, is criminalised: a) producing child pornography; b) offering or making available child pornography; c) distributing or transmitting child pornography; d) procuring child pornography for oneself or for another person; e) possessing child pornography; f) knowingly obtaining access, through information and communication technologies, to child pornography.

It also prescribes incrimination of the offences of **participation of a child in pornographic performances**, where necessary measures shall be taken to ensure that the following intentional conduct is criminalised: a) recruiting a child into participating in pornographic performances or causing a child to participate in such performances; b) coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes; c) knowingly attending pornographic performances involving the participation of children.

Further prescribed is the obligation of incrimination of the offences of **corruption of children** (intentional causing, for sexual purposes, of a child to witness sexual abuse or sexual activities, even without having to participate) and **solicitation of children for sexual purposes** (intentional proposal, through information and communication technologies, of an adult to meet a child for the purpose of committing any of the mentioned offences against him or her, where this proposal has been followed by material acts leading to such a meeting).

In line with this Convention, the States Parties shall provide for enforcement of criminal proceedings in the best interest of children, urgently and without undue delay, and adopt a joint approach to child victims in order to prevent secondary victimization.



The Convention also states the following measures to protect the rights of child victims:

- a. informing them of their rights and the services at their disposal and, unless they do not wish to receive such information, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein as well as the outcome of their cases;
- b. ensuring, at least in cases where the victims and their families might be in danger, that they may be informed, if necessary, when the person prosecuted or convicted is released temporarily or definitively;
- c. enabling them, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and to choose the means of having their views, needs and concerns presented, directly or through an intermediary, and considered;
- d. providing them with appropriate support services so that their rights and interests are duly presented and taken into account;
- e. protecting their privacy, their identity;
- f. providing for their safety, as well as that of their families and witnesses on their behalf;
- g. ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided, unless the competent authorities establish otherwise in the best interests of the child or when the investigations or proceedings require such contact;
- h. access, provided free of charge where warranted, to legal aid;
- i. possibility for the judicial authorities to appoint a special representative for the victim when, by internal law, he or she may have the status of a party to the criminal proceedings and where the holders of parental responsibility are precluded from representing the child in such proceedings as a result of a conflict of interest between them and the victim;
- j. ensuring that the information given to victims in conformity with the provisions of this article is provided in a manner adapted to their age and maturity and in a language that they can understand.

The Convention sets the obligation to establish effective social programs and set up multidisciplinary structures to provide the necessary support for victims, their close relatives and for any person who is responsible for their care. In addition to those obligations of the States Parties, also prescribed are the following:

- Each Party shall take the necessary legislative or other measures to ensure that when the age of the victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance measures provided for children shall be accorded to him or her pending verification of his or her age;
- Each Party shall take the necessary legislative or other measures to ensure that the confidentiality rules imposed by internal law on certain professionals called upon to work in contact with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of sexual exploitation or sexual abuse;
- Each Party shall take the necessary legislative or other measures to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity;
- Each Party shall take the necessary legislative or other measures to assist victims, in the short and long term, in their physical and psycho-social recovery. Such measures shall take due account of the child's views, needs and concerns;
- Each Party shall take measures, under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims of sexual abuse and exploitation.

When the parents or persons who have care of the child are involved in his or her sexual exploitation or sexual abuse, the States Parties shall engage in the following intervention procedures:

- the possibility of removing the alleged perpetrator,
- the possibility of removing the victim from his or her family environment (the conditions and duration of such removal shall be determined in accordance with the best interests of the child).

The Convention establishes a good practice in the context of sustainability and comprehensiveness of the protection and assistance programs also by addressing the concept of protection broader than pure assistance to child victims and prescribes that the States Parties undertake all the necessary legislative or other measures to ensure that the persons who are close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care.

Regarding the issues of prevention and protection, it is an important fact that the Convention introduces the record-keeping on the perpetrators of the said criminal acts: „For the purposes of prevention and prosecution of the offences established in accordance with this Convention, each Party shall take the necessary legislative or other measures to collect and store, in accordance with the relevant provisions on the protection of personal data and other appropriate rules and guarantees as prescribed by domestic law, data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this.“

## NATIONAL LEGAL FRAMEWORKS

For the purpose of this Survey, a legal analysis of the relevant provisions in the laws of the countries participating in the Survey was conducted. Regarding domestic regulations, special attention was given to the analysis of incriminations in the area of protection of children against different types of abuse and sexual exploitation. Below, we will show an overview of the legal framework of the countries, taking into account the aforementioned diversity of their legal solutions (Table 2).

The Constitution of Bosnia and Herzegovina and the Constitution of Republika Srpska provide, inter alia, that no person shall be subjected to torture, cruel, inhuman or degrading treatment; inviolability of human dignity, physical and mental integrity, privacy, and personal and family life; right of a person not to be kept in slavery or servitude, forced or compulsory labor, etc. The Constitution of Republika Srpska provides a special guarantee to the foreigners, very important for the protection and status of victims of trafficking in human beings: “Foreigners have human rights and freedoms set by the Constitution, as well as other rights established by the law and international treaties”.

The Constitution of Montenegro guarantees to the children special protection from psychological, physical, economic, and other types of exploitation and abuse.

Constitution of Kosovo stipulates direct application of international agreements and instruments, and their superiority over all the legal provisions and other public institutions’ acts. The following international instruments and treaties are directly applicable: the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the relevant Protocols, the International Covenant on Civil and Political Rights and the Relevant Protocols, the Council of Europe Framework Convention for the Protection of National Minorities, the Convention on Elimination of all Forms of Racial Discrimination, the Convention on Elimination of all Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Article 50 of the Constitution of Kosovo, particularly guarantees the rights of children, such as the right to protection from violence, maltreatment and exploitation, and the obligation that all actions concerning children (undertaken by public or private institutions) must be in the best interest of child.

Aside from the analysis of the constitutional provisions, the Survey provides a detailed overview of the following legislative solutions: Criminal Law, Criminal Procedure Code, the Law on Protection of Witnesses/the Law on Witness Protection in Criminal Proceedings, the Law on the Treatment of Juveniles in Criminal Proceedings/Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings, Law on Police, the Family Law, the Law on Protection from Domestic Violence, The Law on Amnesty for Persons Convicted of Criminal Offense, the Law on Health Protection, the Law on Social Security/ the Law on Social and Child Protection, The Law on Child Protection, the Law on Primary Education, the Law on Secondary Education, The Law on Asylum/the Law on Movement and Stay of Aliens and Asylum, The Law on Aliens, the Broadcasting Act.

In addition to the analysis of the legal framework, the Survey offers an overview of relevant normative and regulatory decisions (strategic and action plans in the areas relevant to the topic of combating sexual exploitation of children). The Survey of the Ombudsman for Children of Republika Srpska provides an overview of the Action Plan for Children in Bosnia and Herzegovina (2011 - 2014) and the Action Plan for the Improvement of Protection System in the area of Child Pornography and other forms of Sexual Exploitation and Abuse of Children through Internet and Communications Technologies in Bosnia and Herzegovina (2010 - 2012).

Also, Survey conducted in Kosovo includes the analyses of: the National Plan and the National Strategy on the Rights of the Child for the period between 2009 and 2013, National Strategy and the Action Plan against Trafficking in Human Beings for the period between 2008 and 2011, the National Strategy against Trafficking in Human Beings and the Action Plan (2011 - 2014), the National Strategy and the Action Plan of the Republic of Kosovo against the Organized Crime (2009 - 2012), Strategies for the health of mothers, children, adolescents and reproductive health and related Action Plans (2011 - 2015), the Strategy and the Action Plan for Prevention and Elimination of Child Labour in Kosovo (2011 - 2016).

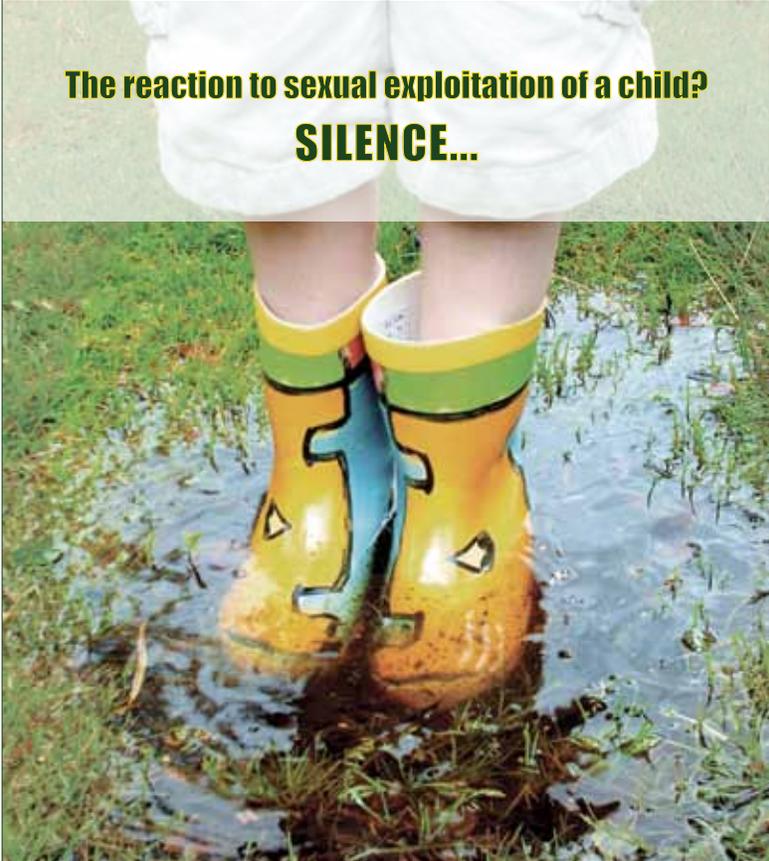
More information on specific legislative solutions can be found in the national reports of the Offices of Ombudsman. The general conclusion, however, is that the legislative framework largely complies with the regulations and requirements of the Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse and other international standards and instruments, however, the implementation of the existing measures is still inadequate, and that, above all, it is necessary to focus on support to implementation and monitoring of the implementation of the existing regulations.

Special reports offer recommendations relating to future legislative changes and regulatory framework, as well as harmonization of legislation with the EU legislation. Recommendations are as follows:



1. To establish a state body to deal with collection and storage of data on identity and genetic profile of persons convicted for committing criminal acts of sexual exploitation and sexual abuse of children;
2. To raise the age limit for voluntary consent to sexual intercourse, what would provide for making those who manipulate children, abuse and exploit them to satisfy their needs accountable – to harmonize the definition of a child with the provision of Article 1 of the UN Convention on the Rights of the Child and Article 3 of the Convention on Protection of Children from Sexual Exploitation and Sexual Abuse;
3. To introduce the security measure – Restraint order and prohibition of communication with the victim;
4. To increase the penalties for the perpetrators of such offences, especially - the minimum penalties, so that they can also have a preventive function;
5. To set, aside from a prison sentence, additional measures against the perpetrators of such offenses - mandatory medical treatment – psychosocial treatment and prohibition to perform any occupation, activity or duty associated with children;
6. To establish a database on the perpetrators of such criminal offences - one of the measures to improve the protection of children from those persons.
7. To provide measures of psychosocial assistance and support that must be applied to the child victims of sexual abuse and exploitation, but also the victim’s family, including provision of descriptions of the types of those measures, as well as methods and terms of their application by the competent authorities, in order to, as much as possible, mitigate the consequences of what happened to the victim and provide for recovery and reintegration of the child;
8. To adopt, in countries where such Protocols do not exist, the Code of Conduct for responsible institutions and services in all cases of violence and neglect of a child. This would provide for responsible services to be more accountable for taking the necessary measures within their competence to assist the child, but also to establish permanent cooperation with other services in providing a multidisciplinary approach to prevention, education, treatment, and keeping appropriate records in this area;
9. To prescribe standards of conduct between the competent authorities in cases of sexual exploitation and abuse.

**The reaction to sexual exploitation of a child?  
SILENCE...**



**If you suspect that a child is sexually exploited, do not allow to suffer in silence. Report to the nearest police station or the Centre for Social Work!**







# TRENDS IN THE FIELD OF SEXUAL EXPLOITATION OF CHILDREN

## Understanding of the concept of *sexual exploitation*

Institutions and organizations from different countries participating in the Survey differently understand sexual exploitation of children, but the most common definitions of exploitation are:

- Any form of child abuse (including physical, psychological, real and potential abuse of a child);
- Abuse of a child for the purpose of obtaining financial or other material benefit;
- Exploitation of a child in order to satisfy sexual needs of adults;
- Any act of violence or an act with sexual connotation (sexual violence, rape, sexual gratification of passion in front of a child, forcing a child to participate in sexual activities, touching the child's private parts, sexual remarks, offers, requests, forced viewing of pornographic content, etc.).

Regarding the concept of sexual exploitation, most respondents recognize only certain forms of sexual exploitation, mostly child pornography and child prostitution. Certain number of respondents avoided answering this question, while the representatives of the police, prosecutors' offices and the courts in most cases described their understanding of this concept as „acts prescribed by the Criminal Code“, thus limiting the possibilities for analysis of their true understanding. The specificity of this particular response, consistently repeated in all countries, makes the analysis of understanding of the concept much more difficult, since not a single answer to this question was received from the respondents representing the criminal prosecution field.

Data analysis also shows that the centers/services for social work, in most cases, view sexual exploitation of children in a narrow perspective and record it as certain forms of sexual exploitation that are the most prevalent in their daily work (for example, extra-marital relationship with a minor), while the most comprehensive description of the concept of sexual exploitation was given by organizations from the NGO sector. Further on, when examining the statistics on dimensions of the phenomenon of sexual violence against children and types of exploitation, a huge discrepancy between individual bodies and institutions becomes obvious. It is true that discrepancies occur because of the lack of harmonization of the existing records, however, it is also a consequence of insufficient knowledge on the concept and lack of engagement in sense of understanding the essence of the problem. It is the fact that, when it comes to specific cases of sexual exploitation, participation of the centers/services for social work is reduced solely to the presence of an expert when the testimony is collected from a child during criminal proceedings and in cases of potential relocations of children from the family environment. This is mainly due to the requests of prosecutors, not the actual recognition of the seriousness of situation and the need to undertake all measures to protect and support the child. Insufficient activities of support systems will be further discussed in the segment on the number of identified victims (Chart 1).

In Montenegro, only two responses to the question concerning the definition of the concept and the phenomenon of sexual exploitation, received during the Survey, matched the generally adopted definitions. That indicates that the professionals do not sufficiently understand the issues and do not recognize the manifestations of sexual exploitation. An interesting fact is that most of the answers to this question included the definition of rape, incest and illicit sexual acts, while in many cases the segment of acquiring economic or other benefits was omitted. In addition, analysis of the submitted answers shows that a small percentage of cases relates to prostitution, trafficking and child pornography, while the professionals mostly work with child victims of sexual abuse.

Professionals who participated in the work of the focus groups largely recognized the concept of sexual exploitation of children, with the notable characteristic of obtaining economic benefits from another person. However, based on the results obtained in the work with focus groups, it can be concluded that most of the participants, within their professional engagement, mainly worked with child victims of sexual abuse, which suggests that a small number of child victims of sexual abuse seeks help and protection from the authorities.

Child victims of sexual exploitation, according to data collected during the interviews, recognize the concept of sexual exploitation as a phenomenon, but have never believed that this is happening to other children or that it could happen to them. However, the Survey has shown that certain groups of children, particularly children who live and work on the streets, often believe that certain types of sexual exploitation (such as child prostitution and child pornography) are an easy and fun way to make money and they do not see it as something bad. This says much about the level of their social inclusion and the need for long-term and comprehensive action in the process of inclusion of these children, as well as the obligation to create specific strategies for sexual exploitation prevention programs for this population of children.

The results of a comprehensive analysis of the data show that the initial assumption that the phenomenon of sexual exploitation is interpreted in different ways, both in the colloquial sense, but also by the institutions responsible, according to their mandate, to combat



sexual exploitation of children, including the prevention and direct assistance to victims. It is clear that at this stage there is still a need to execute general and comprehensive prevention programs, until the prerequisite for creation of a successful policy to combat sexual exploitation of children - common understanding of the basic concepts and standards in this area – is met.

## Number of victims

At the outset, it is important to note that uniform, centralized databases in this field still do not exist and that fact has dictated the necessity to collect data from different sources, compare and analyze them. Data are thus presented based on the findings obtained through analyses: reports available to the relevant stakeholders, focus group interviews, questionnaires filled in the police administrations, public security centers (Republika Srpska), centers for social work, prosecutors’ offices, courts, and the report of the National Coordinator for Combating Trafficking in Human Beings (Montenegro).

That lack of a unified approach to the monitoring and analysis of trends in the field of combating sexual exploitation of children is one of the key obstacles for creation of an adequate framework to improve the mechanisms countering sexual exploitation and protection of victims. Statistics of all relevant actors differ firstly in the number of victims presented, but also on other variables, and it is a major issue to draw entirely valid conclusions. Notwithstanding, those conclusions that can be drawn are sufficient to serve as a roadmap for the continued improvement of policies to protect the victims (and, in general, to combat the sexual exploitation of children).

Since different methods to analyze and process the data were used in national reports, and it is impossible to determine the relevance and comparability of statistics at disposal of the state-level institutions, due to nonexistence of a system to collect the data on this issue and the child victims, this segment of the regional Survey will address the trends and key indicators related to the dimensions of the phenomenon of sexual exploitation of children.

	Republika Srpska	Kosovo	Montenegro	Macedonia	TOTAL
Centers/Services for social work	86	86	44	243	459
Police/Public Security Centers	148	182	34	468	850
Prosecutors' offices	92	119	54	312	577
Courts	27	59	68	192	346
NGO	44	65	33	64	206

Table 6: Data of institutions/organizations on the number of children-victims in the certain period

It can be established that the phenomenon of sexual exploitation of children is extremely widespread, but that, on the other hand, systems of criminal prosecution (police, prosecutors and courts) and, to a certain extent, institutions and organizations primarily responsible for providing support and protection to child victims, are equipped with the knowledge and capacity to deal with this phenomenon (Table 6). Despite the common conception that a larger number of identified cases means a greater prevalence of the phenomenon of sexual exploitation of children, it is important to note that the numbers show the opposite - a greater number of identified victims just means a more thorough capacity of the system to respond to and use the more appropriate methods to combat sexual exploitation of children.

## Total number of identified victims

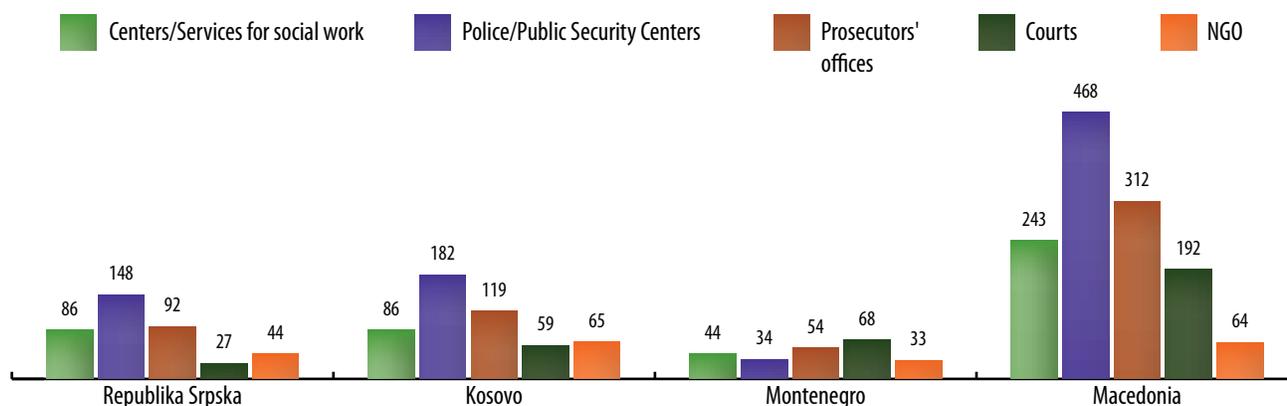


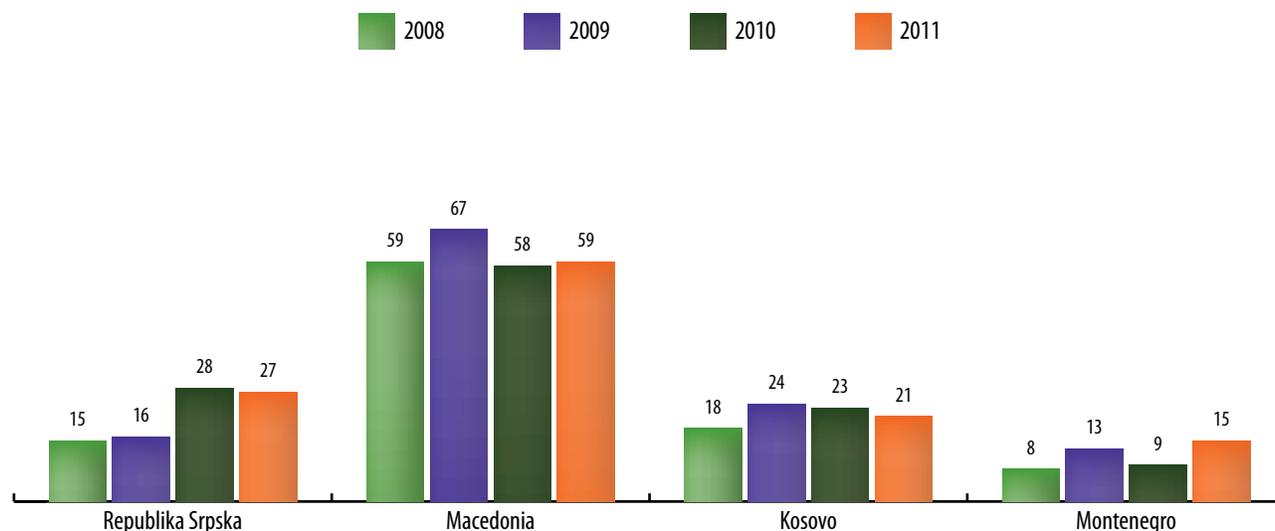
Chart 1: Total number of identified victims in countries participating in the Survey

In the case of the subject Survey, the numbers can not be compared because of the different demographic characteristics of the territories where the Survey was conducted, and differences in responsiveness of the respondents participating in the Survey. However, it is worth noting that the majority of identified victims, within the observed period of time, was recorded in Macedonia (Chart 1). Still, as the earlier studies on the phenomenon of trafficking in human beings showed, the police is certainly the most active player in the field of prevention of sexual exploitation, which is not surprising, considering the criminal dimension of the phenomenon. On the other hand, as the topic of the Survey primarily relates to the aspects of the protection of victims and prevention, rather than the aspects of criminal prosecution (more details available in national surveys), it is obvious that the system of protection and assistance to victims does not adequately follow the system of criminal prosecution. The report of the Ombudsman for Children of Republika Srpska describes this fact as follows:

*The analysis of presented data reveals the difference in the number of children who have been victims of sexual exploitation, according to some of the respondents' data. Particularly large differences emerged between the data of the public security centers (148) and centers/services for social work (86). Public security center data refers to children who have emerged as the injured persons in criminal offences where the public security centers submitted reports on the crime committed, and investigations were to be carried out based on the district prosecutors' offices orders. However, according to the prescribed rules and procedures, this segment of criminal proceedings must involve the centers/services for social work (presence of professionals from the centers/services during collection of children's testimonies, identification of the family environment of the child and decisionmaking on a potential exclusion of the child from the family and relocation to a safe environment, preparation of the social and psychological history of a child victim, identification and undertaking of measures of psychosocial treatments, etc). Thus arises the question why there is a difference in the number of child victims between the centers/services of social work and public security centers, because this difference shall not exist, at least not such a large difference. Qualitative analysis of the data collected by focus group interviews provides an answer to the question posed. Specifically, the difference in numbers occurs because of incomplete records and poor connection between the existing records of the bodies and institutions, ie nonexistence of a unified database on both offenders and victims of sexual exploitation of children. There is an analytics department at each public security center, keeping the records on child victims of sexual exploitation and submitting quarterly reports to the Ministry of Internal Affairs of Republika Srpska. However, centers/services for social work do not have special records on child victims of sexual violence, but only a record on the perpetrators and victims of domestic violence, while the prosecutors' offices have the records – the registries (CMS program) only including the data on perpetrators of criminal offences and the victims.*

This is certainly one possible interpretation of the differences shown by statistics. The problem, however, is a question - is it possible that not all children discovered by police as possible victims of sexual exploitation received adequate protection and assistance by the competent centers for social work and other social welfare services?

## Number of victims between 2008 and 2011 - centers for social work

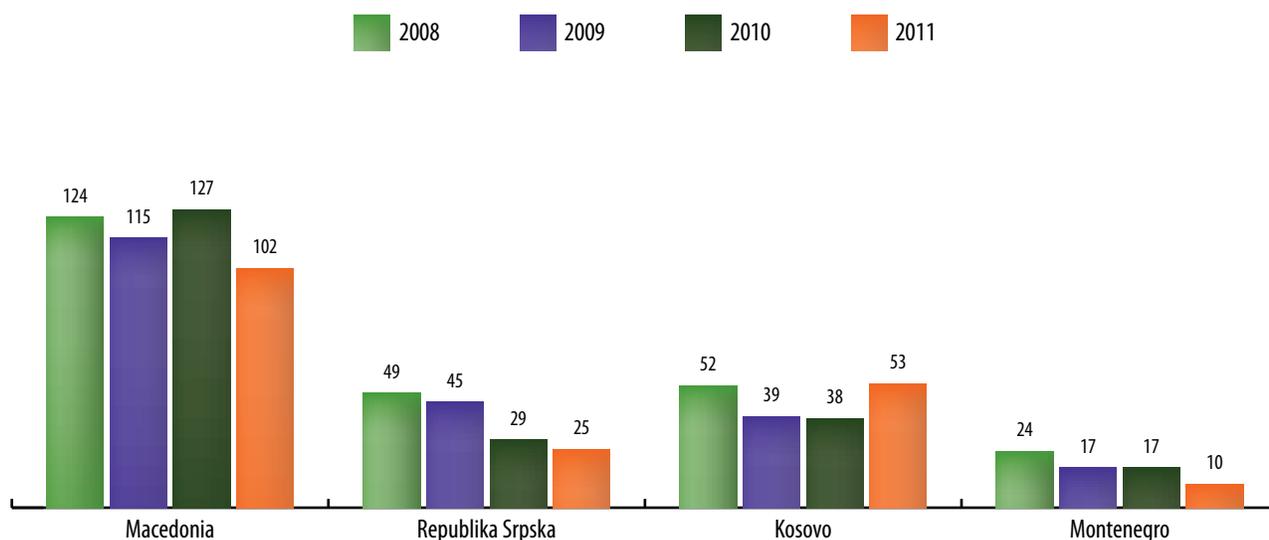


*Chart 2: Number of victims between 2008 and 2011. according to the data from the centers for social work*

Based on the data obtained from the centers for social work it is not possible to determine trends over time (Chart 2). Among other things, the data analysis faced a problem with the period in which this phenomenon is explored - some reports have processed data for the whole of 2011 (Kosovo), and some for half of the year. It is possible to assume that the processes of identifying victims flowed evenly throughout this period, even in countries where the Convention has since been signed, ratified and entered into force. The same conclusion arises in the context of the analysis of data obtained from the police/public security centers (Chart 3).



## Number of victims between 2008 and 2011 - police



*Chart 3: Number of victims in the period between 2008 and 2011, according to the police data*

This data is somewhat surprising and a logical question arises on how the provisions of the legislation harmonized with international standards apply, or what qualitative changes, when it comes to protecting children from sexual abuse, can be observed in the countries in which the Survey was conducted.

### Types of exploitation

In countries where the Survey was conducted, according to the data obtained, the most prevalent forms of child exploitation offenses, under the national legislation, are: sexual violence against children, illicit sexual activity, sexual intercourse with a helpless person, cohabitation with a minor, sexual abuse and trafficking in human beings (children). Because of the aforementioned differences in data available to different institutions within the same country, as well as the diversity of demographic and other characteristics of the countries participating in the survey, it is impossible to draw a more general conclusion about the specific causes of the spread of one criminal offense in relation to another. However, it is noticeable that the more frequently reported offenses are the ones with lower penalties prescribed. Given how much importance is attached to the criminal dimension of this phenomenon in comparison to the dimension of protection and overall social aspects of the phenomenon, this fact may lead to the conclusion that a small number of offenses with higher penalties prescribed, in all the countries participating in the Survey, suggests the possibility of marginalization of the phenomenon of sexual exploitation of children. Hence the need, in dealing with child protection policies, to constantly put emphasis on the consequences that criminal acts of sexual exploitation have on the well-being of child victims. We dedicated special attention to this aspect in the Case Studies segment.

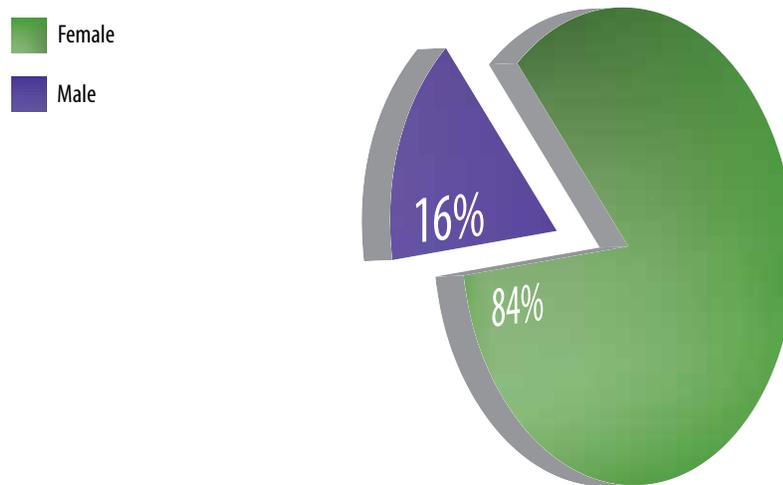
In individual countries participating in the Survey, the most prevalent types of exploitation (criminal offences), according to the findings of the Survey, include: sexual violence against children (Republika Srpska), in 37% of cases, illegal sexual acts (Montenegro) in 46% of cases, sexual violence against children (Macedonia) in 42% of cases and sexual intercourse with a helpless person (Kosovo) in 31% of cases. A certain doubt arises in the case of prevalence of certain types of exploitation in Kosovo, due to the dramatic disparity in data obtained from different criminal prosecution institutions (for example, the Kosovo Police reported 94 victims of sexual intercourse with a helpless person, prosecutors - 8 such offenses, and the courts - 11!?).

As for the prevalence of criminal offenses related to sexual exploitation of children, in Macedonia, Republika Srpska and Montenegro, the second category of victims are victims of extramarital relationships with minors – Republika Srpska - 19%, Macedonia - 23%, Montenegro - 26%. With regards to Kosovo, the second most prevalent category of victims are victims of sexual abuse - 28%, and the third - the victims of trafficking in human beings (21% of all child victims of sexual exploitation).

## Gender

As for the gender of child victims of sexual exploitation, the data clearly indicates that in the period between 2008 and 2011, in the countries participating in the Survey, incomparably more victims were identified as females (Chart 4).

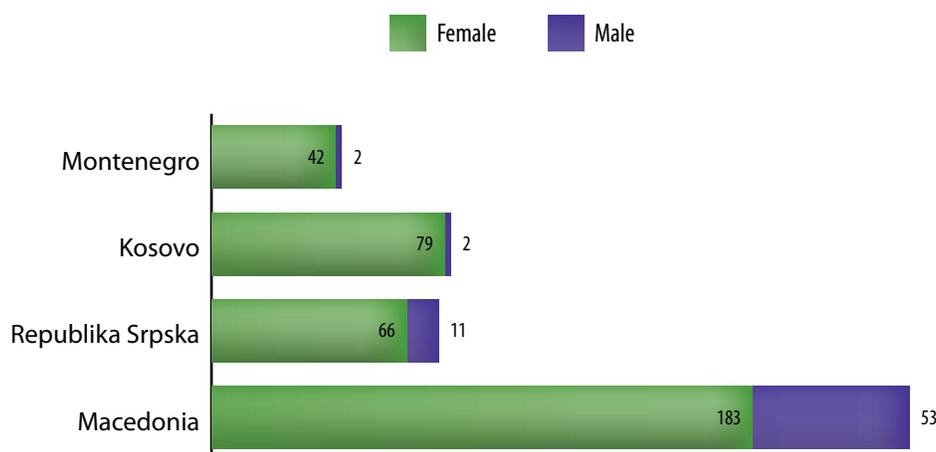
### Gender percentage of victims - centers for social work data



*Chart 4: Percentage of boys and girls, according to data obtained from centers for social work of all the countries participating in the Survey*

In addition, data on gender of the victims obtained from centers for social work indicate that the lowest percentage of male victims was identified in Kosovo (2.4%), followed by the number of identified boy-victims in Montenegro (4.5%) and Republika Srpska (14.3%). In Macedonia, 22.4% of victims were identified as male (Chart 5). Given the international dimensions of the phenomenon and the estimates on representation of exploitation of children of both sexes, it is possible to conclude that the mechanisms for the identification of the boy-victims of sexual exploitation are more developed in Macedonia, and that this experience and the capacity to identify the boy-victims, despite the traditional notions that women/girls are usually the victims of sexual violence and exploitation, would be very important for the whole region, if formulated and presented as an example of a good practice.

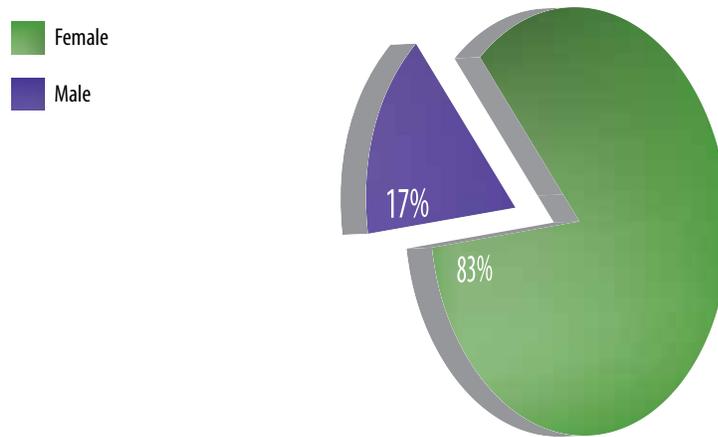
### Gender of victims - centers for social work data



*Chart 5: Number of boys and girls - victims of sexual exploitation, according to data obtained from centers for social work*

Police data are, as far as the percents of identified girls and boys goes, almost identical to the data obtained from centers for social work/social services (Chart 6). However, due to the nearly double number of identified victims of sexual exploitation in relation to the number obtained from the centers (Chart 7), the total number of identified boys is higher. At this point, a question is raised on the capacities of the police and the social work centers, in terms of their responsiveness to occurrences of sexual exploitation of children - it is obvious that the support is still most needed by the systems providing assistance to child victims. This will once again be a potential conclusion when issues of the initial referral of children and identification of potential victims are discussed - the area in which the centers, according to the nature of their job, should have a leading role. According to the results of the Survey, that is not the case.

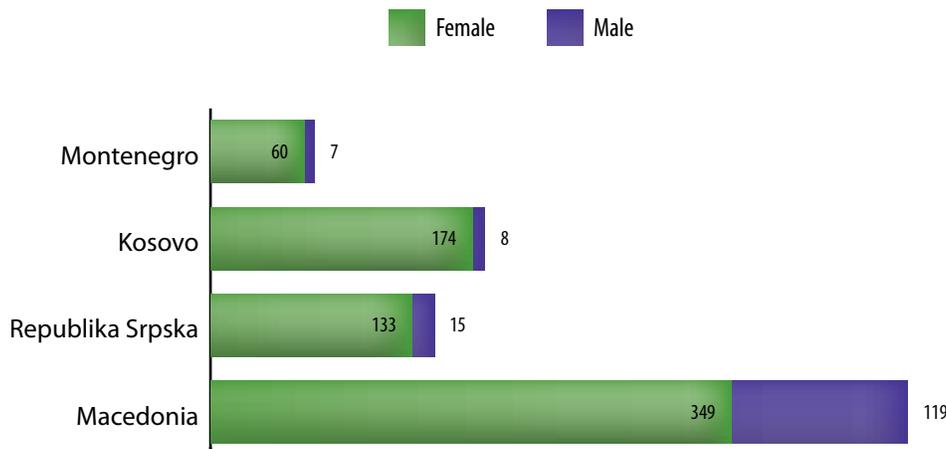
### Percentage of victims of both genders - police data



*Chart 6: Percentages of boys and girls – data obtained from all police administrations/public security centers of countries participating in the Survey*

Slight difference in the percentage of identified boys (17% - the police, 16% - centers for social work) is primarily due to a larger number of cases of child victims of sexual exploitation and again was largely driven by actions of the Macedonian police (Chart 7).

### Gender of victims - police data



*Chart 7: Number of boys and girls – victims of sexual exploitation, according to data obtained from police*

## Age

The Survey included the question of the age of the identified victims of sexual exploitation. The tables that follow show the age of the victims of sexual exploitation in the three countries participating in the study.

Victims' age	Number of victims
0–3 years of age	/
4–7 years of age	3
7–10 years of age	2
10–14 years of age	19
14–16 years of age	33
16–18 years of age	14

*Table 7: Victims' age – Kosovo centers for social work data*

Victims' age	Number of victims
0–3 years of age	/
4–7 years of age	4
7–10 years of age	7
10–14 years of age	13
14–16 years of age	18
16–18 years of age	2

*Table 8: Victims' age – Montenegro centers for social work data*

Victims' age	Number of victims
0–3 years of age	2
4–7 years of age	14
7–10 years of age	14
10–14 years of age	56
14–16 years of age	38
16–18 years of age	15

*Table 9: Table 8: Victims' age – Montenegro centers for social work data  
– Macedonia centers for social work data*

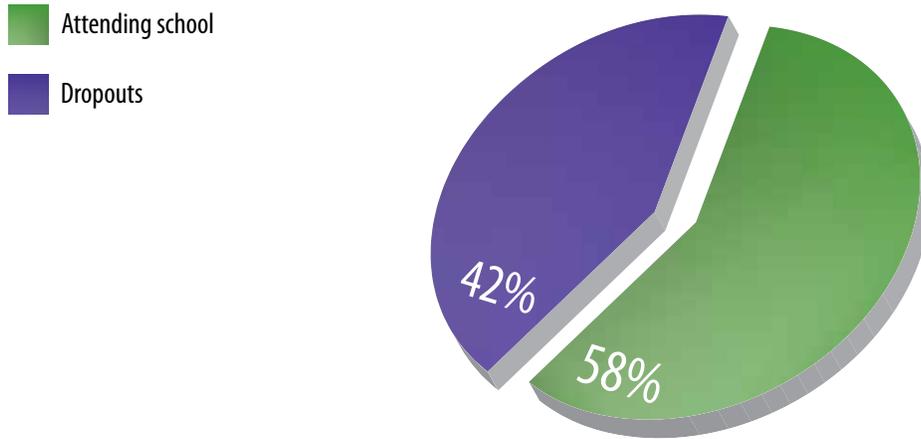
It is evident in the above tables that the majority of identified victims in Macedonia, in the period between 2008 and 2011, was aged 10 to 14, while in Montenegro and Kosovo the most prevalent age group was 14 to 16. This data once again indicates the need for adequate information on reporting mechanisms and methods of identification of sexual exploitation to be distributed before the children engage in regular education, and certainly before they start secondary school.



## Inclusion in the education system

The data on inclusion of victims in the education system is of particular interest when creating adequate prevention programs. The Survey shows that out of the total population of child victims of sexual exploitation, 42% of those children have dropped out of primary and secondary education (Chart 8).

### Percentage of children dropouts - centers for social work data

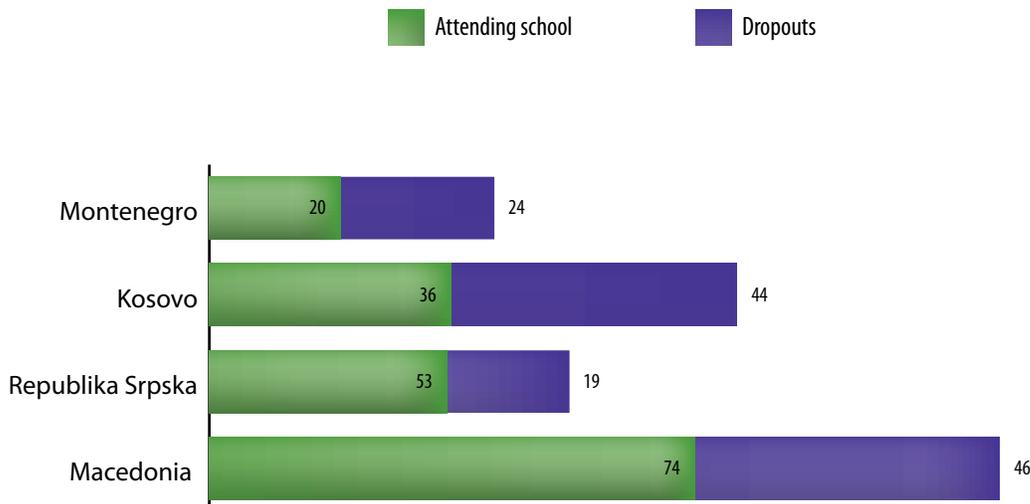


*Chart 8: Percentage of child victims who have dropped out of schools, according to data collected from Centers for social work in the countries participating in the Survey*

As for the national Surveys, the data show that the percentage of children who are not included in the education system in Montenegro and Kosovo is above 50%, and certainly higher than the average 42% (Chart 9).

It is up to professionals to assess how the programs for work with highschool children – the group least exposed to the phenomenon of sexual exploitation, according to the Survey – are developing.

### Inclusion in the education system - centers for social work data



*Chart 9: Number of victims attending primary and secondary school, according to data obtained from centers for social work*

## Exposure to the risk of sexual exploitation

One of the tasks set by the Survey was to determine the influence of certain social factors on the exposure of children to the risk of becoming victims of sexual exploitation. Qualitative analysis of the collected data shows beyond doubt that certain factors related to family status, socio-economic status and health status of the child-victim and its family can influence the increase of the risk of sexual exploitation. When it comes to family status of child victims of sexual exploitation, the analysis shows that most of them originate from “dysfunctional families” in terms of addiction to psychoactive substances, presence of domestic violence and the like. Cases in which a child-victim lives in a family that successfully meets all of the child’s needs, including the need for love and respect, are extremely rare. The analysis also shows that cases of domestic violence are often accompanied by sexual violence, and that the children neglected by their parents are at a greater risk of becoming victims of sexual exploitation.

Also, child victims of sexual abuse and exploitation are often children from large families and disadvantaged economic status (centers for social work in Kosovo reported that 85% of cases of child victims of sexual exploitation come from families with poor or extremely poor economic status). In most cases of sexual exploitation, parents are uneducated or have only completed primary school. Overall socio-economic status of the families of child victims is often at a very low level. Most of those children come from families in which neither parent has permanent employment, and are mostly engaged in part time physical labor.

The analysis of data that indicate the health of child victims often shows that children with disabilities are victims of sexual exploitation, and it happens often that mental health problems or drug addiction of a family member can be a cause of sexual exploitation of children.

The conclusion is that these children do not have enough love and attention within their families, what is easily recognized by the perpetrators who win them over. Due to large differences in age, such victims identify the perpetrators as their “father, brother, etc.,” which presents an additional problem in court when it comes to proving the guilt of the perpetrator.



## CASE STUDIES

### Case study I

Information about the victim: A girl, aged 12 years at the time of interview, a 7th grade student, was eight years old when she was abused. She lives with her father, younger sister and two younger brothers. Her mother is temporarily absent due to work abroad. The father is employed, working as a physical laborer. He works every day, except for Sundays. They are currently tenants.

The girl said that she gets along well with parents, now better than before. She is more attached to her mother. When describing herself, she divides her life in two periods - before and after the traumatic event. According to her, before she was mischievous and playful, but now she is more attached to her parents and the house, and very obedient. Her school grades dropped, while she used to be a very good student before, more focused on learning. In the period after the traumatic event, because of lack of understanding and support, she has changed three schools and three places of residence. Very few people in the school she currently attends know of her trauma, and the same goes for her living environment. She mostly spends time with her sister, and has a best friend at school who does not know what happened to her, because she does not want to talk about it and does not want it to be known.

The details/data related to sexual exploitation were not discussed with the girl, in order to avoid possible re-experiencing of the trauma.

Information on the perpetrator: The perpetrator is 55 years old and was found guilty for committing the offences of *Sexual Intercourse with a Child* (for a longer period of time, from September 2008 to June 2010, he sexually exploited a child born in 1999) and *Satisfaction of Sexual Lust in front of Another* (he undertook activities aimed at satisfying his sexual desires in front of a child). Based on the ruling of the Supreme Court, he was sentenced to a term of imprisonment of two years. The perpetrator was accused of several different crimes in the past (causing physical harm, damage to other people's property). He is a distant family member of the victim.

The process of recovery and protection: After reporting the crime, the girl spoke with experts in different fields. Given the rejection of the environment, her family frequently changes the place of residence. She had the support of a lady psychologist at one of her past school, who even walked her home occasionally. However, after a short time her trauma became known and she was once again rejected by fellow students (frequent situations of mockery). After that the family decided, due to rejection of their environment and constant harassment by the family of the accused, to once again change the place of residence and school. At her current school, only her classmaster knows of her trauma. The girl says she feels no support from her classmaster, and that so far she has not spoken with professional persons at the school about her trauma.

The year after the trauma took place, the responsible center for social work introduced the girl in the process of socialization. She pointed out that she felt good there and no one knew of her trauma. The girl stated that she had no recent contact with anyone from the responsible center for social work. During the interview, the girl often ceased to speak or responded with "I do not remember," whenever the topic had anything to do with the trauma and its consequences (changing schools/environment/center for social work, etc.), even though no questions about the events that produced the trauma were asked. She divides her life into periods "before" and "after" trauma, which she clearly tries to forget and repress.

Occasionally, supportive people appear to lend support to her, but without any continuous or comprehensive treatment. After the experienced trauma, the girl's parents provided great support to her, their relationship has improved and she now feels a great attachment to them. The girl's father is visibly unhappy with the work of judicial bodies. The District Court ruled the perpetrator guilty and sentenced him to six years in prison, but the sentence was reduced to two years upon the decision of the Supreme Court. During the proceedings before the Supreme Court, the girl was questioned again, despite all the evidence that existed (including the videotape of her testimony!). None of the family members had been involved in psychosocial treatment, workshop or any other form of support or advisory effort.

## Case study 2

Information on the victim: At the time of abuse, the girl was 10 years old. She lives with her mother, brother and three sisters in a small house, the size of a 1.5-bedroom apartment, in a rural area. Her father is serving a prison sentence. After her parents divorced, she and her brother were entrusted to their father for the protection and upbringing. At that time there was no arranged contact with the mother so they rarely met. The father insisted many times with the staff of the center for social work that the children be entrusted to the mother, because he claimed to be a “weak authority for the children.” The mother, because of her new extramarital relationship and new family members, as well as poor housing conditions, could not take care of the children.

The girl was enrolled in the first grade of high school, which she soon dropped out of, allegedly because of the rejecting environment and bullying she experienced. The school could not confirm that there were any elements of bullying. The girl is withdrawn in contact with others. She mostly spends time with her sister. The details/data related to sexual exploitation were not discussed with the girl, in order to avoid possible re-experiencing of the trauma.

Information on the perpetrator: The girl knew the perpetrator from before. He was born in 1940. The violence lasted for two months, from the beginning of December 2006 until 26 January 2007. The offence was reported by the girl’s brother. The Basic Court sentenced the perpetrator to a term of imprisonment of one year. The verdict is final.

The process of recovery and protection: Shortly after the sexual abuse trauma, the girl has experienced another trauma. Her father, unhappy with the work of criminal justice and the sentence, threw a handgranade in front of the house of the perpetrator, causing the death of the perpetrator’s relative. Therefore, the girl’s father was sentenced to eight years of prison.

After that, in 2007, the girl and her brother went to live with their mother. In 2010, based on the ruling of the basic court, the girl was entrusted to the care and upbringing of her mother. The mother initiated in 2010 a publication of the story in a daily newspaper, talking about her daughter’s trauma, her behavior after the trauma and the work of the responsible bodies. The newspaper article influenced the responsible center for social work to include the child in a psychosocial treatment - three years after the trauma took place. However, public disclosure has led to her being labeled and rejected by the environment. Where they live, everyone is familiar with her trauma. In addition, she is exposed to verbal violence of the perpetrator’s family. After the trauma she used to go to see a psychiatrist, who prescribed her medication, but she is no longer using the prescribed medication regularly. The mother says that she is not able to provide the money for therapy and regular visits to the psychiatrist.

In 2010 and 2011 she was included in the socialization process, where she stood out due to her good behavior. Psychosocial treatment at the center for social work was carried out in 2010 and interrupted in 2011 because of the absence of the psychologists at the center. The center for social work used to send her to workshops at the day care center, which she attended for several months. After completing a set of workshops the girl no longer went to the day center.

Though she was not directly asked questions about her trauma, she speaks with a lot of difficulty about her life before and after. She feels great guilt for what happened. She spends her spare time in a disorganized manner and without meaningful activities. None of the family members had been involved in psychosocial treatment, workshops or any other form of support or advisory effort at the responsible center for social work. Currently, due to the health condition of the mother, the center for social work is assessing her suitability to exercise parental control over the girl.



## Case study 3

Information on potential victim: The third child with whom we conducted an in-depth interview is a child from a risk group who could be a potential victim of sexual exploitation due to the influence of certain social factors. The girl is 15 years old, living in an urban environment with her father, mother, younger sister and brother. The father is unemployed, the mother, a housewife, had never been employed. The girl was selected because of the suspicion of a citizens' association's expert team that, because of the poor family relationships, her father's alcohol-related problems, her poor academic performance, lower intellectual ability and puberty, she may be in danger of becoming a victim of sexual exploitation.

The relationship with parents is dysfunctional. The family is ruled by poor relations. There are instances of physical abuse and, as we have already noted, the father's problem with alcoholism. The mother is insufficiently interested in the care of children and their needs. The girl has learning problems, probably caused by her lower intellectual abilities. She is neglected in the sense of upbringing. She mostly spends her days outside, and her schedule of activities is erratic, left to her own decisions. The girl manifests elements of aggressive behavior. She is sociable. She avoids talking about sexual violence, and links the term violence exclusively to physical violence. She is noticeably uncomfortable when talking about this issue. The conversation indicates that the girl does not understand the meaning of sexual exploitation. When asked about sexuality, she tends to change her opinions.

The family is a beneficiary of the center for social work. Based on the recommendation issued by the center for social work, the girl, due to family problems and behavior she exhibits, has been going to the day care center with her sister for five months. She visits the day center almost every working day. At the center, educators organize an individual program of work with her, meetings with a psychologist, as well as other professional persons who provide her assistance and support. Also, the workers monitor her school performance and regularly go to school to attend the informational meetings.

Her conduct, both in her words and in the words of the expert team, has improved, she works well with the educators and gladly visits the day care center. She fulfills her obligations. The day care center submits monthly reports on the girl's behavior to the competent social welfare center, and she will be the beneficiary of the day care center as long as necessary. The responsible center for social work issued a measure of intensified supervision to her parents.

## Case study 4

Information on the victim: The subject girl was a younger minor at the time when she became a victim and she lived in a rural area. Before she became a victim of sexual abuse, she lived with her biological family. During the period when she became a victim, the girl went to the senior grades of elementary school, and her academic performance was quite low. She had several friends with whom she occasionally went out to the city. Very early, at 11, she started to play around with a guy, and assumed a sexual relationship. Shortly after this guy, her sister introduced her to another one, whom she “dated” for three months.

Her family had a very low socio-economic status. The father and mother were not employed, and nobody else in the family worked. As for education, the parents had completed primary school. The relationship of the child with the other family members was described as good, except with the mother. However, relations between her parents were poor, and there was domestic violence.

The child becomes a victim of sexual abuse during the period when the mother leaves the house and takes her and her sister to a bigger city, where they continue to live separately from the other family members. They stay in that city for a year.

During this period, the girl had regular sexual relations with strangers, in most cases the elderly.

During the interview she described an event which she said was extremely difficult, and she says she will never be able to forget: the mother brought home a man with a disability and forced her to have sexual intercourse with him. After that, she was often forced to have sexual relations with strangers.

Her mother and sister forced to have sexual relations with people, and they took money from the clients. At that time she was not getting any money, and they only gave her small amounts of food. During the period of exploitation she blamed everything on her bad luck and thought she will never be able to get herself out of that situation.

The way out of the situation of sexual exploitation: The whole case was reported to the police by the neighbors from the village, where the victim used to live with her mother and sister. After being taken by the police, the girl was placed in home care and she spent six months there.

The process of recovery and protection: During her stay in the home care she was given advice about the dangers of trafficking, and underwent various trainings on reproductive health, contraception and sexually transmitted diseases. She also acquired new hygienic habits, learned how to sew, work on the computer, prepare food, and even attended the first level of the English language course. She had regular sessions with a psychiatrist for children and adolescents, as well as general medical check-ups, including a gynecological examination.

After the time spent at the home care center, the child was returned to her father’s care. She was aware of what was going on and that there’s nothing that can be changed. She was happy to be rescued from a network of individuals who have done her wrong, and is committed to achieving the best possible future. She hopes that she will be able to catch up on the schoolclasses she missed and continue with regular schooling later.

The girl is currently satisfied with the program of assistance she receives at the care center, and relatively dissatisfied with cooperation with the centre for social work, because so far they have done nothing in the organization of the class exams for her lost school years.



## Case study 5

Information on the victim: A female child who, at the time when she became the victim was an older minor. At the time of the abuse she lived in an urban environment, in one of the larger cities. She lived with her parents and went to high school. She was in good relations with all members of the family.

Socio-economic situation of the family of this child was satisfactory. Parents have an average high school education. There were no incidents of domestic violence in the family, and she never attended any violent scenes.

Exploitation began when she was 14. After she returned home from school, she went to meet up with friends. On the way from home to the place where she was to meet her friends she was kidnapped. After the kidnapping, she was raped several times. She does not remember exactly how many kidnappers were in the car they were in. After the kidnapping they kept her at a secret and hidden place, which she later could not recognize. Occasionally she was taken away from that place, but blindfolded. She was forced to do physical labor at the house where she stayed, and to have sexual relationships with friends of the person who kidnapped her. The kidnappers had threatened her that in case of her disobedience or escape attempts – they will kill her younger brother!

Exploitation lasted for four months. Police located her and saved her from captivity.

After the rescue, the girl was returned to her biological family from which she received a lot of support. She continued her education and focused on learning. Since the event, she does not leave the home often. She plans to continue with her studies.

The perpetrator of this crime was arrested and sentenced to 15 years in prison.

## RECOMMENDATIONS

Prerequisites to strengthen the system of child protection are good quality laws that will recognize the international standards, make all the protection parties accountable and be adequately implemented. Bearing in mind the gravity of the subject offenses and, in particular, the effects on the development and growth of the child, it is necessary:

1. To establish a state body to deal with collection and storage of data on identity and genetic profile of persons convicted for committing criminal acts of sexual exploitation and sexual abuse of children;
2. To raise the age limit for voluntary consent to sexual intercourse, what would provide for making those who manipulate children, abuse and exploit them to satisfy their needs accountable – to harmonize the definition of a child with the provision of Article 1 of the UN Convention on the Rights of the Child and Article 3 of the Convention on Protection of Children from Sexual Exploitation and Sexual Abuse;
3. To introduce the security measure – Restraint order and prohibition of communication with the victim;
4. To increase the penalties for the perpetrators of such offences, especially - the minimum penalties, so that they can also have a preventive function;
5. To set, aside from a prison sentence, additional measures against the perpetrators of such offenses - mandatory medical treatment – psychosocial treatment and prohibition to perform any occupation, activity or duty associated with children;
6. To establish a database on the perpetrators of such criminal offences - one of the measures to improve the protection of children from those persons.
7. To provide measures of psychosocial assistance and support that must be applied to the child victims of sexual abuse and exploitation, but also the victim's family, including provision of descriptions of the types of those measures, as well as methods and terms of their application by the competent authorities, in order to, as much as possible, mitigate the consequences of what happened to the victim and provide for recovery and reintegration of the child;
8. To adopt, in countries where such Protocols do not exist, the Code of Conduct for responsible institutions and services in all cases of violence and neglect of a child. This would provide for responsible services to be more accountable for taking the necessary measures within their competence to assist the child, but also to establish permanent cooperation with other services in providing a multidisciplinary approach to prevention, education, treatment, and keeping appropriate records in this area;
9. To prescribe standards of conduct between the competent authorities in cases of sexual exploitation and abuse.
10. To provide specialized support (pedagogue, psychologist, sociologist) to judges and prosecutors working with juveniles;
11. To provide special rooms equipped in accordance with the recommended international standards for the interviews and the stay of child victims of sexual exploitation and abuse;
12. To provide a multidisciplinary approach to solving the problem of sexual exploitation and abuse of children, by establishing special interdisciplinary teams to work with child victims of sexual abuse;
13. To prescribe standards of conduct for the competent authorities in cases of sexual exploitation and abuse;
14. To take measures for continuous education of police officials in order to raise the level of professionalism in dealing with victims of sexual exploitation and abuse, and more efficient identification of victims;
15. To allow the police to establish and promote international cooperation in order to monitor the occurrences of sexual exploitation of minors and effectively fight this problem in the region;
16. To provide continuous monitoring of high-risk families and provide supervision over the exercise of parental rights in situations where there is a risk;
17. To provide continuing education for health professionals in order to improve the work with victims of sexual exploitation and abuse, and provide for more efficient identification of victims;
18. To provide specialized divisions or departments within health institutions to work with child victims of sexual exploitation and abuse;
19. To take necessary actions and measures in order to raise awareness of the professional and the general public, to indicate the severity of the consequences of sexual exploitation of children, and the importance of reporting these offenses;
20. To establish programs to inform and educate children about violence in general and, in particular, sexual abuse and exploitation, about the risks, how to recognize them, the consequences of such risks on the development and growth of the child, the right of children to assistance and support, to be adapted to their age and needs from the early days;
21. To establish programs to inform and educate all professionals who work with children, particularly those in the system of education, on the regulations, possible causes and risks of child abuse, how to recognize child victims of violence, the consequences of such risks on the the development and growth of the child, the measures to be undertaken and ways to support and help the child.





**Save the Children**

Address: Ljubljanska 16, 71000 Sarajevo  
Bosnia and Herzegovina

Phone: + 387 33 55 05 31, 22 13 54

Fax: + 387 33 55 05 30

[info.nwbalkans@savethechildren.org](mailto:info.nwbalkans@savethechildren.org)

[www.savethechildren.org](http://www.savethechildren.org)