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(two EAs from schools with experience)

"Parents often think it is our fault for whatever happens to us, that we provoke it..."  
(a student from ES)

"What should be done if it is the mother, father or brother who does it."  
(a JPS NES student -

"We should learn about the issue of SV so that it doesn't happen to us in future."  
(a JPS ES student -

## ADVOCACY AND LOBBYING PACK: USE YOUR AUTHORITY AND SUPPORT THE RETURN OF THE EDUCATIONAL PACKS FOR LEARNING ON CHILD SEXUAL ABUSE IN SERBIA



EUROPEAN UNION



World of  
Children  
Award  
SETTING THE GOLD STANDARD  
IN CHILD ADVOCACY



REKONSTRUKCIJA  
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**March 2020, Incest Trauma Center – Belgrade, Serbia**

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## Introduction

This Advocacy and Lobbying Pack is designed for policy and decision makers and all influential allies from the European and international professional community who are willing to help the return of systemic learning on the issue of child sexual abuse within the national curriculum of kindergartens, primary and secondary schools in Serbia. The legal framework of this evidence-based appeal is the Lanzarote Convention.

The Incest Trauma Center – Belgrade highly values every effort you can make that might take up toward the national authorities in Serbia in order to reach this goal. We invite you to focus your effort on influencing the policy that is presently in place in the country, which does not support the best interest of the child.

Our main and only aim is to have children provided with knowledge to prevent and/or stop sexual abuse.

Thank you very much!

Sincerely,

Dr. Ljiljana Bogavac and Dušica Popadić



## CHAPTER 1:

### INTRODUCTION

**Dr. Ljiljana Bogavac and Dušica Popadić**

*“In the age group of 10 to 18-year-olds, there are 4 children out of every school class in Serbia who have experienced sexual violence and 4 more who know somebody who has experienced it. At this moment, 2 children out of every school class are exposed to sexual violence. Primary school pupils usually disclose their experience to a family member, but generally encounter disbelief. Secondary school pupils tend to confide in a female or male friend, who more readily trust them. Out of the 2/3 of the children who disclose their experience, more than a half of the trusted persons fail to take action. Only 7% of them report the case to the authorities.”*

*Source: 1st National Study on Social Problem of Sexual Violence against Children in the Republic of Serbia (2015) Incest Trauma Center – Belgrade, Serbia)*

## Why this Advocacy and Lobbying Pack?

The Incest Trauma Center – Belgrade designed this **Evidence-Based Pack** to make visible the Learning Tool that helps children and youth within the regular educational system in Serbia gain knowledge and skills as to how to recognize sexual abuse, how to find support to stop it and where to find quality healing resources.

There is no more efficient prevention of sexual violence against children but learning about this social problem from kindergartens to university level. The Tool meets all international standards that are characteristic for the field of Sexual Violence. It speaks all languages worldwide.

The Learning Tool is called **Educational Packs**. It is created for kindergartens, primary and secondary schools i.e. for the personnel of these educational institutions to facilitate their teaching about the sexual abuse issue. The Educational Packs are the result of direct, close and 5 years long co-operation of the Ministry of Education, Science and Technological Development of Serbia and the Incest Trauma Center – Belgrade. The co-operation included successful piloting Educational Packs before putting them in official use.

For 5 years (2012-2017), the Ministry of Education, the Parliament of Serbia (Committee for the human rights and gender equality, Committee for the rights of the child and Women's Parliamentary Network) and the Republic Ombudsperson Office actively co-operated with the Incest Trauma Center – Belgrade and achieved essential results in Prevention and Protection of Child Sexual Abuse in Serbia. *As example, here we remind you on just one tangible result of our co-operation in Legislation with the Parliament of Serbia, Republic Ombudsperson Office and Council of Europe Strasbourg and Belgrade Office: In April 2013, the Parliament of the Republic of Serbia adopted ITC Initiative FOR the rescinding of the Statute of Limitations concerning sex offences committed against children. In this way, Serbia became second country in Europe, after UK, where the Law recognizes long-term effects of sexual trauma (comparing with earlier regulation when child sexual abuse offender could be prosecuted only six years after the last incident of sexual abuse occurred).*

The Ministry of Education put in use Educational Packs in November 2016. It expressed its full consent with its logo, three Ministry's employees contributed as authors, the Minister issued Thank You Certificates to 24 authors and for months the Ministry did active promotion in and out of the country.

After five months of fully smooth implementation and supporting educational professionals together with the Incest Trauma Center - Belgrade, suddenly, one day began the pressure of retrograde, ultra-right wing and clerical forces on social networks. This negative campaign lasted literally day by day for two months, but the Minister of Education 10 days from its start stated through the media the Educational Packs would be put on standby and publicly, again through the media, threatened kindergarten and school professionals they were going to be punished if they continued using this Learning Tool.

During that period of two months and also to date, not a single expert from the field of Education, Sexual Violence and/or (Child) Psychology ever opposed Educational Packs.

The Incest Trauma Center – Belgrade issued an Open Letter to the Parliament and the Government of Serbia asking them to conduct supervision of this decision of the Ministry of Education. This initiative resulted with no reply from any authorities.

Along the years, before this moment, the topic of sexual violence against children gradually reached a high place on public agenda. Afterwards, it disappeared from any focus very quickly.

Despite the alteration of the national politics regarding preventing childhood sexual abuse, the Incest Trauma Center – Belgrade did not give up. We organized the monitoring of the Lanzarote Convention from the perspective of children, parents, teachers and pedagogues and psychologists in educational institutions in the period 2017-2019 and it showed clearly that the Educational Packs are necessary for Education in Serbia. They are until today in full update and ready for use.

Here we present you the evidence that Educational Packs are needed urgently and highly valued in Education. Chapter 4 is entitled "What really happened with the topic of sexual violence in Education in the last three years?" Chapters 1, 2, 3 and 5 will facilitate your understanding the context in Serbia.

The Incest Trauma Center – Belgrade works with child and adult survivors of sexual abuse for 26 years. We learned from children that because they did not have the knowledge in advance, they were an easy target for the perpetrators.

We need your help to return the Educational Packs where they belong and that is to the national curriculum and their daily practical use in the best interest of children.

*Educational Pack for preschools, parents and guardians*

[http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC\\_Obrazovni\\_paket\\_za\\_vrtice\\_2016.pdf](http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC_Obrazovni_paket_za_vrtice_2016.pdf)

*Slides accompanying the Education Pack for Preschool institutions*

[http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC\\_2016\\_Slajdovi\\_Obrazovnog\\_paketa\\_za\\_vrtice\\_2016.pdf](http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC_2016_Slajdovi_Obrazovnog_paketa_za_vrtice_2016.pdf)

*Educational Pack for primary and secondary schools*

[http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC\\_Obrazovni\\_paket\\_za\\_osnovne\\_i\\_srednje\\_skole\\_2016.pdf](http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC_Obrazovni_paket_za_osnovne_i_srednje_skole_2016.pdf)

*“Healthy Choices for Kids” - A Complementary Resource to Educational Packs for Preschools and Schools*

[http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC\\_ZDRAVI\\_IZBORI\\_ZA\\_DECU\\_2016.pdf](http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC_ZDRAVI_IZBORI_ZA_DECU_2016.pdf)

### About Us, Brief information on the results (1994-2019)

The Incest Trauma Center – Belgrade (ITC; officially registered in 1994) is a women's non-governmental organization, a service specialized in the Sexual Assault issue. The professionals were originally trained in the sphere of health and mental health. More details about the activities of the ITC can be downloaded at [www.incestraucentar.org.rs](http://www.incestraucentar.org.rs) and [www.ijasamuztebe.org.rs](http://www.ijasamuztebe.org.rs). We provide *psychological assistance to child and adult survivors of sexual violence and their supportive persons* (6 reported cases per week; the only representative statistical data on the national level on the social problem of sexual abuse of children for the period 1994-2019, which was published annually, has been incorporated in several national strategies and reports for the Republic of Serbia). At the same time, we work as a *Training Center* and after 26 years of ITC activities, our diverse training programs have been attended by 11546 from 993 GOs and NGOs (4/5 from GOs). All the ITC educational and preventative programs have been conceived and realized on the grounds of our team's direct daily practical activities in the context of violence against women and children. Our trainers were authors and personally delivered our ed. programs accredited by the Ministry of Education and the Ministry of Health of Serbia as well as the leader of ITC Trainers' Team is certified in Supervision and Training skills in Child Protection by the NSPCC, UK, and holds accreditation on competency in the Training for Trainers in Child Protection issued by the NSPCC, UK. (*Just two illustrations*: over the period 2001-2003, in partnership with the Ministry of the Interior, we trained police officers from 11 towns, starting from public law and order, then sex offences and juvenile delinquency departments to teachers on all three levels of police schooling (effective 42 hours of work); 2005-2011, in partnership with the Ministry of Justice of RS, for the personnel of 4 penitentiary institutions in the territory of Serbia working with women and minor perpetrators of criminal offences. Educational programs of basic and advanced level (42 + 58 effective hours of work); 2017-2019, delivering 3-level trainings to the schools and kindergartens entering the National Network of Schools and Kindergartens against Sexual Assault. Within our identity of the *Sexual Assault Prevention Center*, 8,713 children and adolescents completed our 10 weeks long „Healthy Choices for Kids“ Prevention Program for teachers, parents and kids. Besides, within ITC, the Sexual Assault Prevention Peer Team runs our Sexual Assault Prevention Club (schoolers age 12 to 18 run the Club assisted by our Volunteers mainly of age 19 to 25). Within this identity, we also ran a several surveys and collected data to identify further lines of operation. **To emphasize, in period 2014-2017, ITC has been developing Co-management Model of decision making process, joint by staff and youth involved and this includes Decision-making youth structures in ITC daily practice and Youth participation in Evaluation.**

In June 2001, the ITC started and has to this day been coordinating **The Network of Trust against gender-based violence** (an intervention team of trained practitioners from 15 GOs and NGOs, who in the course of their daily professional activities provide assistance to child and adult survivors to all forms of violence). We are experienced in public campaigns and lobbying (e.g. in the period 2007 - 2011, we were implementing a nationwide campaign against sexual violence entitled “**The Me Nobody Knows**”, one of the specific aims of which was the introduction of the topic of Sexual Assault into the national (pre-)school curricula, syllabi and textbooks; also the Campaign “1 IN 5” in the period 2012-2015). We note 1347 appearances in media.

In accordance with the ITC Strategic Plan for the period 2015-2020 (started this line of operation in 2009), our main identity is related to the *Sexual Assault Prevention Center*, and accordingly, some of the results have been: A) State Excellence Award “for special contribution to awareness-raising concerning the unacceptability of sexual and gender-based violence” (The Ministry of Social Policy of Serbia, 2010) B) Finalist in 2011 and recipient in 2012 of the award “REWARD” of the National PR Society of Serbia in the category “Communication in the non-profit sector”; note:: ITC has been the only competitor that both years created and implemented its Campaign on our own, with no hiring marketing agency; C) Appointment by the Council of Europe in Strasbourg as the official national partner in the Campaign against child sexual assault for the Republic of Serbia, the Campaign entitled “ONE in FIVE”, based on the Lanzarote Convention (according to the signed agreement, in the course of the entire Campaign, 2012-2015) D) The official song “Stop the Silence!” of ITC Campaign in Serbia has been in 2012 handed over to the Council of Europe in Strasbourg and it was designated as the official song of “ONE in FIVE” Campaign on European level to be used by the member-states E) **In April 2013, the Parliament of the Republic of Serbia adopted ITC Initiative FOR the rescinding of the Statute of Limitations concerning sex offences committed against children.** In this way, Serbia became second country in Europe, after UK, where the Law recognizes long-term effects of sexual trauma (comparing with earlier regulation when child sexual abuse offender could be prosecuted only six years after the last incident of sexual abuse occurred). Now, the survivor was provided the right to report and start up a criminal procedure when gaining psychic strength and social power necessary to act as a more equal participant in prosecution. ITC officially initiated and worked intensively toward this historical change of legislation F) In 2014, ITC staff wrote up themselves and with associates from schools provided numerous resources for learning on Sexual Assault issue in the classroom within the national (pre-)school curriculum

and relevant textbooks (incl. opening 1st Sexual Assault Peer Prevention Club that has been with its program activities also put at disposal of the Ministry of Education of Serbia and its Violence Prevention Unit). We continued designing ed. resources in coming year. G) In 2015, ITC has been the owner, leader and author of the **1st National Study in Serbia on Prevalence and Incidence of Childhood Sexual Assault** that we nowadays carry out directly in the field (in 97 primary and secondary schools) in co-operation with the Ministry of Education of Serbia and the Women's Health Promotion Center from Belgrade, supported by the Delegation of EU to Serbia. The Preliminary Report published in June 2015 and the Final Report in October 2015, followed by a new 3D ed. resource for children, youth, parents and teachers [www.ijasamuztebe.org.rs](http://www.ijasamuztebe.org.rs) („I am here for you, too!“). Meanwhile, we worked parallel as the member of the Task-force of the Parliament of Serbia (Child Rights Committee in charge now to propose improvements in Family Law in chapters concerning Child Abuse) as well as co-operated with the Gender Equality Co-ordination Body of the Government of Serbia where we had contributed to the Action Plan 2015 with actions concerning introduction of Child Sexual Assault issue into the national school curriculum for kindergartens, primary and secondary schools and also provided contribution to the Draft of new Gender Equality Law. **In 2015, by being the subject of two Public Hearings in the Parliament of Serbia, the Sexual Assault issue has reached its highest point ever concerning its visibility on a public agenda.** In September 2015, in partnership with the Women's Parliamentary Network, we presented results of the National Study in the Parliament. Then in 11 towns in Serbia ITC led the Public Discussion together with the Ministry of Education in order to Draft the **Strategy in Education for Prevention of Child Sexual Assault in the Republic of Serbia** and we included both school students and adults from different sectors. **Based on the results of 1st National Study and Public Discussion, on November 18** (The European Day on the Protection of Children against Sexual Abuse), again with the Women's Parliamentary Network, the Ministry of Education and the Republic Ombuds office, we presented the Strategy at the Public Hearing in the Parliament of Serbia. Authors' team that wrote up the Strategy in Education was consisted of the Ministry of Education (Violence Prevention Unit / Group for the Protection against Violence and Discrimination) and the Incest Trauma Center – Belgrade and the Strategy was adopted by the Ministry of Education. Immediately afterwards, **we submitted to the Parliament ITC Initiative on Prevention of Retraumatization within Criminal Prosecution concerning Survivors of Childhood Sexual Assault** (requesting Monitoring role of the Parliament regarding protection legislative measures in accordance with the Lanzarote Convention). In February 2016, the Initiative was presented to members of the Parliament in co-operation with the Ombuds office and its Child Rights Division that wrote up the legal formulation of the Initiative. **Our work on this Initiative has still been underway.**

In period 2016 – March 2017, we run the National Campaign called „I AM HERE FOR YOU, TOO!“ and, in partnership with the Ministry of Education and selected school personnel pool, wrote up Educational Packs for kindergarten and 10 subjects that belong to the national curriculum of primary and secondary schools. 24 authors from Education field received „Thank You“ Certificate signed by the Minister of Education. On November 18, 2016 in this way the Sexual Assault issue was – after 9 years of advocacy and lobbying of ITC - officially introduced into the national (pre) school curriculum to be learnt by children, youth and parents within a regular life of kindergartens and schools. The high-level profile ceremony we held in the Ceremonial Hall of the Rectorate of the Belgrade University and both the Parliament of Serbia, the Ministry of Education and the Republic Ombuds contributed to this Promotion Day, e.g. having as keynote speakers Chair of Parliamentary Committee for Human and Minority Rights and Gender Equality, co-ordinators of the Women Parliamentary Network and Deputy Ombuds for the Rights of the Child and Gender Equality. The Ministry of Education issued the Guidelines on Usage of Educational Packs and together with ITC its representatives made a journey throughout Serbia to teach kindergartens and schools how to use Educational packs. 5 months later, suddenly, the pressure occurred through social networks by clerical and ultra-right wing forces that are active in Serbia and the Minister of Education announced in media only he would withdraw Educational Packs for that moment. No official public letter on the withdrawal was ever issued by the Ministry.

Directoress of ITC has been named the 2016 World of Children Protection Award Honoree and received the Award in the city of New York in October 2016, therefore the Incest Trauma Center - Belgrade now stand together with some of the world's best child advocates. This is the first year of the Protection Award for individuals who have recorded and continue to record extraordinary achievements in helping children be safe and free. The media in US often refer to World of Children Award as the Nobel Prize for child advocacy.

In period 2017-2019, with support of the Delegation of EC: 1. we founded and handed over to the Ministry of Education the National Network of Schools and Kindergartens against Sexual Assault, so that this network became their ownership) and 2. we founded and have been co-ordinating the Regional Network against Sexual Assault gathering NGOs with long-term experience in this field aiming to strengthen networking in the Western Balkan and connect this territory with international professional community.

Starting from March 2017, ITC has been a Country CAN Partner of The International Society for Prevention of Child Abuse and Neglect (An ISPCAN Country CAN Partner).

Both in March 2016 and March 2017, ITC was for the 2nd time nominated for The With and For Girls Award. It is an initiative of the With and For Girls Collective which is a group of eight funders: EMpower, Mama Cash, NoVo Foundation, Plan UK, The Global Fund for Children, Nike Foundation, Comic Relief and Stars Foundation who aim to identify and recognize strong grassroots organizations working WITH and FOR girls through their annual Awards. ITC was nominated in 2016, too. The procedure allows nominations could be made only by trusted referral partners because the Nominee has demonstrated effective practice in creating a supportive and empowering environment for girls.

In May 2017, Directoress of ITC was named the 2017 Fulbright Award for Professional Excellence in 2017. The Award "Leader" was established in the aim of affirming excellence in development of science and research, advancing profession and promoting positive social changes. Directoress of ITC received the Fulbright Award for professional accomplishments and contribution to positive social changes reached during 2016 in the field of direct service provision to child sexual assault survivors and the work on prevention of violence against children through educational programmes.

In March 2018, ITC received the FEMINIST RECOGNITION FOR THE ACT OF RESISTENCE IN PUBLIC DOMAIN „for the work on creating Educational Packs for learning on CSA issue and the act of resistance against veto on implementation of Educational Packs.“ The Feminist Recognition awarded by the BeFem, Serbia.

Together with the Founding Team of 1st Regional Network against Sexual Assault, ITC has been continuing actively to contribute to the Network development, therefore by having 13 organizations from 9 European countries in membership, this shape of Network's self-organizing outgrew regional level. Therefore, in 2019 we contributed to the efforts of the Founding Team to formalize the Network's status and respond to its real developmental level and nowadays it operates as a registered legal entity under the name of **the European Women's Network against Sexual Violence (EWNASV** [www.reactagainstsexualviolence.org](http://www.reactagainstsexualviolence.org) [www.facebook.com/europeanwomensnetwork/](https://www.facebook.com/europeanwomensnetwork/) [www.instagram.com/react\\_against\\_sexual\\_violence/](https://www.instagram.com/react_against_sexual_violence/)). **EWNASV held its 1st International Conference against Sexual Violence in September 2019 in Belgrade which was evaluated highly by its participants.** Directoress of ITC presently serves as the President of EWNASV in its 2 years long mandate.

*Following our newest Strategic Plan, starting in 2020, ITC in future – through participation in EWNASV - shifts its activities mainly to the Western Balkan and European level and works intensively to strengthen ties among EWNASV members to international professional community and to integrate newcomers with high performance quality in the field of Sexual Violence.*

# 2017

"I regret that the MoE's Project with regular lessons (Educational Packs) on this topic was not brought to life."  
(a T from school with experience)

"Parents often think it is our fault for whatever happens to us, that we provoke it..."  
(a student from ES)

"Very bad. The child ended up in an institution and nobody was prosecuted for violence."  
(a T from school with experience)

"We reported a physics teacher from my daughter's school... Nobody believed the children, they were protecting their colleague. It went on for 2 years, the kids were afraid to talk, nobody believed them, but we eventually made it, but it was only thanks to the parents' struggle. All sorts of things related to sexual violence are still taking place at that school."  
(a parent of ES student)

"I believe that compliance with the Lanzarote Convention would greatly contribute to prevention and suppression of sexual exploitation and sexual abuse of children, as well as to protection of the rights of children who have survived sexual violence. One of good attempts to implement the Lanzarote Convention in Serbia is the development of Educational Packs, where the representatives of the Ministry of Education participated too, and they were piloted in schools, by decision of the MoE, to be cancelled subsequently, by decision of the same Ministry!???"  
(an EA from school with experience)

"A great damage was inflicted on education in the first place, by withdrawing the Educational Packs. It is a bad message for children, parents and teachers."  
(two EAs from schools with experience)

"This is an important topic that needs to be addressed through various subjects, and children should be empowered to talk about it."  
(a T from school with experience)

"The children who have experienced sexual violence should believe in themselves, not harbour hard feelings, turn to their parents for help, muster the courage to tell their secret and muster the courage to stand up to the violator."  
(a SPS student from NES)

"I reported a case of sexual violence in my daughter's handball club. It had been going on for a very long time, everybody in the club was protecting the coach, and it was only thanks to my personal stamina that I succeeded. He remained in the club, but no longer trained her group."  
(a parent of ES student)

"I condemn the curtailment of the process of introducing the Educational Packs."  
(an EA from school with no experience)



## **CHAPTER 2:**

# **BASELINE ON PREVALENCE AND REPORTED CASES OF CHILD SEXUAL ABUSE IN SERBIA**

**Dr. Ljiljana Bogavac and Dušica Popadić**

## Prevalence of Child Sexual Abuse in Serbia (2015)

The Incest Trauma Center – Belgrade was the leader, owner and commissioner of the 1st (and the only one to date) National Study on the Social Problem of Child Sexual Abuse in the Republic of Serbia.

Partners were: 1. Ministry of Education, Science and Technological Development of the Republic of Serbia (Violence Prevention Unit / Group for the Protection against Violence and Discrimination) 2. Women Health Promotion Center from Belgrade.

The following are excerpts from the Press Pack we designed for the presentation session of findings, held in Belgrade on June 09, 2015.

### “REVIEW OF THE BASIC RESULTS – WHAT DID THE NATIONAL STUDY REVEAL?”

The National Study was conducted on a representative sample of 2053 children aged between 10 and 18, from 97 schools, 61 primary schools and 36 secondary schools from 51 cities in Serbia. The sample was defined according to the data base of the Ministry of Education, Science and Technological Development of the Republic of Serbia. In the course of the entire process, 11 instruments of work were applied, in order to interview pupils from the fourth grade of primary school up to the third grade of secondary school (e.g. information on the National Study, the form of informed consent /acceptance, the questionnaire, the range of attitudes, Certificate of Appreciation). In addition to the basic questionnaire on the experience of CSA (personal or others’) – in primary schools, a contribution to the research of attitudes concerning SA was given by the parents whose children participated in the National Study, and in secondary schools, by the young people who also took part in the basic part of the interviews.

### The basic questionnaire for children and youth

*In the age group of 10 to 18-year-olds, there are 4 children out of every school class in Serbia who have experienced sexual violence and 4 more who know somebody who has experienced it. At this moment, 2 children out of every school class are exposed to sexual violence. Primary school pupils usually disclose their experience to a family member, but generally encounter disbelief. Secondary school pupils tend to confide in a female or male friend, who more readily trust them. Out of the 2/3 of the children who disclose their experience, more than a half of the trusted persons fail to take action. Only 7% of them report the case to the authorities.*

It is of utmost importance that, through a series of results, the National Study has clearly verified the gender component, i.e. the ways in which CSA affects girls and boys respectively, and that it has clearly confirmed the proper understanding of CSA as a form of gender based violence targeting predominantly girls. Out of 5 CSA survivors, 4 are girls and 1 is a boy.

The children have survived the following violent acts – An adult or a person more than 2 years older than the child, wanted the child to perform one or more of the following actions or forced her/him to do so:

- To watch them naked, i.e. her/his genitals;
- To strip naked and show them her/his genitals;
- To let the child touch his/her genitals;
- To watch that person masturbate;
- To pet their body or to let them pat her/his body;
- To stand naked (alone or with a female/male partner) before their photo camera, film camera, or mobile phone (or, for secondary school pupils, to stand together with her/his partner);
- To watch pictures, films or magazines with pornographic content together with them;

- Sent her/him letters, notes or text messages with sexual content (by email, Facebook, and other social networks);
- Asked her/him or forced her/him to let them put their fingers or some other object in her/his genitals;
- Resorted to threats, coercion and the like to force her/him into a sexual act during which two sexual organs came into contact;
- Carried out sexual intercourse with her/him using force;
- Given her/him alcohol or some other drug and then forced her/him into sexual intercourse;
- Given other persons alcohol and drugs and incited them to have sexual intercourse with her/him;
- Offered her/him money in exchange for sexual intercourse with them or some other persons;
- Other;

Findings indicate that the most difficult question to answer for most children was the one about the identity of the perpetrator of SA. 62.1% of child survivors of SA decided not to tell who the perpetrator was. This is not surprising, since the Incest Trauma Center - Belgrade practical experience shows a strong presence of the feelings of shame, fear, guilt and low self-esteem. Moreover, on this occasion the children more “readily” indicated what violent sexual acts they had survived. In one half of the cases, CSA was repeated. The place where CSA happened is most often at home, in 32%, with the social networks being yet another source of concern, with 22% percent of the places where children had been exposed to explicit sexual content. Data reveals that acute situation of CSA (ongoing sexual violence) is more frequent with primary school children. Furthermore, the fact that secondary school pupils indicated the school as the place where the CSA actually took place is alarming, and implying that we should develop prevention measures against e.g. date rape and other forms of sexual violence.

The average age when CSA happened is 14 and it took the children an average period of 2 after the event to tell us that they had been traumatized. During the interview and at the very end, the interviewers’ team expressed special gratitude to every child who had disclosed her/his own, or a friend’s CSA experience.

The National Study powerfully confirms that the children do talk about survived CSA and persistently look for a person they can trust. Related to this is the high degree of concern about the fact that the person the child confides in – most often does not do anything to protect her/him. An equally serious warning is the fact that family members are not the first option for the child, who always knows best whom she/he can tell.

Another important moment is that the children find it hard to talk about the effects of CSA, i.e. in what way they have been scarred by the violence they survived. One third of them decided not to talk about it. Of those who provided the answers, young people indicated anger and rage as the most frequent effects (74.1%), followed by feelings of fear (69.3%), shame and guilt (55.8%) for both children and young people.

**The educational character of the National Study is also reflected in the finding that 48% of the children spoke about the topic of CSA for the first time ever during our interview**, and on the other hand, this fact reveals the disturbing practice of year-long silence and persistent concealing of the taboo topic during (even throughout) the child’s growing up period. Maintaining the taboo, according to the results, are also the parents (51.1% of them did not tackle this topic) and the educational system (only 10.2% did address this topic). The children who have spoken about CSA with their parents, in accordance with the patriarchal pattern, mentioned the mother as the main source of information for the child (48.6%), who continues to bear the brunt of responsibility for the child’s wellbeing. Following mothers, the grandmothers and sisters were mentioned as educators – therefore, the extended long-standing pattern of women’s responsibility. The child they spoke to, according to the results of this Study, has been given full information about the fact that family members and family friends can be offenders of CSA and that, if that happens, they should by all means inform their most trusted person about it. Outside the family, the secondary school students spoke about CSA most often with their friends (30.2%), which once again confirms the importance of educating of schoolchildren and peer support.

In order to ensure a responsible, preventive approach, the assistance mechanism in the form of “person for emergency situations”, which is activated in case of a child’s immediate need for help during or after the interview, was introduced

as part of the regular procedure in the implementation of the National Study. This mechanism was not used at all throughout the interviewing period in schools, because the need did not arise.

**At the same time, irrespective of whether a child was going to seek help or not, part of the regular procedure of the National Study is the educational character of the information offered to each and every child during the interview, no matter if she/he reported any CSA experience or not. In the corpus of the information given during the initial introduction, every child found out about the main activity of the Incest Trauma Center – Belgrade, and at the end of the interview, every child was given a Certificate of Appreciation, containing our contact information and encouragement to call us at any time should they, or a friend they know, find themselves in a situation of violence.**

The feelings of the children and young people during the interview were conveyed by the fact that 80.4% of them said they had felt relaxed, 13.9% were surprised by the topic and 7.1% felt uneasy. The conclusion is that with the right approach, resulting from education, the topic of SA is not off-limits and it can be comfortably discussed with children in the school context.

### **Range of attitudes – parents and young people**

A total of 1039 young people in secondary schools and 532 parents of primary school children filled in the Range of Attitudes form (total 1571).

The term “correct attitude” (which was later changed into the research term “desirable reply”) means that the person who uses it recognizes the existential specificities of a CSA survivor and that her/his attitude reflects alliance in the form of understanding the dynamics of violence, encouragement and taking action with the aim to protect the child. Notably, out of the 23 offered attitudes, in most cases the parents gave desirable responses, i.e. their attitudes were somewhat more correct than those of young people. However, both young people and the parents fall in the trap of blaming the child-victim, stigmatizing girls and vulnerable groups of children living in homes and in the streets, as well as children with disabilities. Responses were given by both groups that “Sex between an adult person and a child does not have any consequences for the child”, or that “If a child is sexually mature, it is alright for an adult person to have sex with her/him”. Young people are more clearly aware than the parents that CSA offenders are most often of male sex. Parents to a great extent do not recognize girls as the main targets of the CSA offenders. There is a considerable level of preparedness to report CSA to the authorities regarding the attitudes “When you suspect or know that a child has been sexually abused, you should always report to the police” and “Persons who sexually abuse children have to be sent to prison”, while at the same time, we remind of the fact that, the main part of the interview for the children and young people direly warns that only 7.1% of persons who have found out about CSA have reported this criminal act to the authorities. Readiness to report seems to be only declarative. Data shows that fewer parents than young people tend to believe that the recovery of a CSA survivor is possible. In very high percentage, young people and parents agree that “The topic of child sexual abuse should be addressed from kindergartens to universities, so that children can recognize violence and protect themselves”.

### **COMMENTS ABOUT THE CONTEXT**

The context in which the National Study unfolded was characterized by the following:

- The majority of the schools presented the aim, the benefits and the procedure of the National Study correctly, and adhered to the procedure completely.
- Within the school system, there is a need for further awareness raising about the necessity of publicly addressing the topic of child SA and implementation of the National Study in Serbia (44 schools rejected participation, whereby their teaching staff directly prevented child participation and expression (17 in Vojvodina, 12 in Belgrade, 2 in Valjevo, 2 in Čačak, 2 in Kraljevo, 2 in Novi Pazar), in 7 primary schools the initial parents meetings that were held according to the procedure, resulted in 0 parents’ consent or up to 5, which was not sufficient for those school environments). We frequently recorded explanations that “such cases have not been recorded in our community m so that there is no need to conduct the National Study here”, “We have a school competition taking place in a month”, at the very end of the survey period, and “We are beginning to test the first graders”, etc.). It is important to mention that the maximum recorded time

necessary for the 3-member interviewers' teams to complete the interviewing process of an entire selected class in each particular school was 6 working hours.

- Complex circumstances on the social plan, e.g. a long period of school strikes and the reactions of the teaching staff to the recent reduction of salaries.
- In a certain number of schools which participated in the Study there was some uncertainty as to how to present the topic to the school staff, the parents and the children. The Incest Trauma Center – Belgrade provided assistance in this respect.
- In a certain number of schools, in spite of the reached agreement in accordance with the training session for school coordinators, and written regulations, there were difficulties in providing conditions for unobstructed activities (entering the rooms during the interviews, rushing the pupils and the interviewers' team, requests to move to another room in the course of the interviews, etc.). Besides, occasionally, the interviewers' team encountered the situation where the children had been told that they were going to take part in a "testing", "you will be interrogated...", "it is going to be hard...", "it is a strange topic" and even that the research was dreadful, etc.

In the schools where Hungarian is the pupil's mother tongue, the interviews were conducted in the Hungarian language.

## **GENDER ROLES AS A BASE FOR SEXUAL ABUSE TO TAKE PLACE**

### **We learned about girls and boys**

- **Risk factor for CSA to occur: sex (girls targeted)**
- 88.5% GIRLS
- 11.5% BOYS
- **Out of 5 CSA survivors, 4 are girls and 1 boy.**

### **GIRLS**

- **MORE OFTEN survivors**
- **Survive a larger number of modalities of sexual abuse they experienced (pls. look at the number of forced actions listed above)**
- **More often survive REPEATED sexual abuse**
- **A bigger number is exposed to the abuse NOW**
- **THEY KNOW SIGNIFICANTLY BIGGER NUMBER OF SURVIVORS**
- **MORE OFTEN TALK TO SOMEONE about their abusive experience**
- **Only they experienced abuse by teacher, coach, family friend**
- **FEAR is the most prevalent effect, then anger and rage**
- **AT HIGHER RISK to be exposed to sexual abuse**
- **State a larger number of modalities of sexual abuse experienced by other persons (pls. look at the number of forced actions listed above)**

## BOYS

- Less are exposed to sexual abuse than girls
- At lower risk to be exposed to sexual abuse
- Repetition of sexual abuse occurs more rarely
- Less talk to someone about their abusive experience
- Do not want to speak about effect of sexual abuse (how it affected their life)
- More often do not want to talk about offender.

## RECOMMENDATIONS IN THE SPHERE OF EDUCATION

(short version based on the results of the National Study presented in Chapters 1 and 2 of the Report)

*For each of the following recommendations, the Incest Trauma Center – Belgrade is ready to take full participation in their preparation and implementation, relying on our own resources and the infrastructure developed over the 21 years of activities:*

1. It is requisite that the Ministry of Education, Science and Technological Development of the Republic of Serbia build the **first long-term National Strategy for the prevention of child sexual abuse. The National Strategy should take into consideration the features that are specific for our country, relying on the results of the National Study.**

The following represent separate segments: a) engagement in the development and application within the system of education of mechanisms for early detection of sexual abuse, as well as b) adoption of the procedure of child-friendly advocacy during the processing of the CSA offenders – which also leads to intersectoral cooperation in the prevention of CSA and protection of children against it.

2. **There is no prevention of child sexual abuse that could be more efficient than integrating topics from the sphere of prevention, and those of recognizing sexual violence and protection of child sexual assault survivors, into the regular syllabi of the national curricula of pre-school institutions and schools, including the relevant textbooks.** Therefore, it is necessary that the Ministry of Education, Science and Technological Development of the Republic of Serbia intensify their engagement in fulfilling their international commitments deriving from the Council of Europe Lanzarote Convention, as well as from the obligations laid down by the existing national regulations, which invariably contain this orientation.
3. **It is necessary to carry out a comprehensive Study on attitudes towards child sexual abuse.** The obtained results will be used so as to practice and promote primary prevention of sexual violence against children in order to bring about a change of customs, patterns of behavior and existing social stereotypes.“

*End of excerpt from the Press Pack*

## Statistical Data on Reported Cases of Child Sexual Abuse to the Incest Trauma Center – Belgrade (2014-2019)

*\* The sample is representative and based on a mean figure of 6 reported cases of sexual abuse per week. The age of child sexual assault survivors ranges between 3 years and 1 month up to 51 years. The data refer to the average values in the given period for regularly monitored parameters.*

*\*\*The specifics of the period 2014-2019 lies in the fact that according to its Strategic Plan, the Incest Trauma Center – Belgrade by the end of 2019 finalized 26 years of direct service provision in the form of psychological counseling through personal contact over a short or long period of time. We completed in-takes considering new clients by the end of 2018 and worked gradually on closing processes with all survivors who were receiving services. In the future, we continue providing counseling services online.*

The Incest Trauma Center – Belgrade database shows that out of five child sexual assault survivors, four are female and one male. The most frequent targets, in 81.58% of the cases, were girls. Boys are sexual assault survivors in 18.42% cases.

Looking at the structure of child sexual abuse offenders: 92.35% are males and 7.65% are females. In 81.24% of the cases, the offender was a family member. In 43.09% of the cases, the child sexual abuse offender is the biological father (the most frequent form of incest being father-daughter), whereas in 51.92% of the cases the offender is a father figure (cumulatively, in the order of frequency: father, stepfather, foster parent, adoptive parent).

In 18.76% of the cases, the offender is a person outside the family known to the child (a family friend, a “private” teacher), while 15.20% were underage sexual assault offenders (mainly committing abuse within their peer group, then gang rape, then within their family and in the social protection institutions where children reside permanently;). In the period 2014-2019, 100% of perpetrators were persons familiar to the child.

The following violent sexual acts were: obscene telephone calls, exposing otherwise covered parts body parts, voyeurism, fondling, taking pornographic pictures, attempting sexual intercourse, rape, incest and child prostitution. In particular, cyber sexual violence the calls for special attention.

Although in most cases sexual abuse was committed over one child by a single offender and one offender most frequently abused one child, it is important to bear in mind the fact that one child was sexually abused by 2 or more offenders in 13.40% of the cases and that one offender abused two children in 6.82% and three or more children (series) in 9.05% of the cases.

The average age when the first abusive incident took place is 5 years and 7 months. The duration of abuse was recorded as several months long in 31.52% of the cases and years-long in 68.48% of the cases. The years-long abuse lasted for more than 6.5 years on the average.

Physical coercion was applied in 22.84%, notably on adolescents or in families where the father figure is emotionally or physically violent against the mother. In 53.01% of the cases, reporting took place during an acute situation (ongoing sexual abuse). The period between the first incident of sexual abuse and reporting is 7 years and 2 months.

Child sexual abuse was most frequently reported by: the sexual assault survivors themselves in 44.16% of the cases and the child’s mother in 37.87% of the cases. The mothers usually report the sexual abuse of children below 12 years of age, they do so out of an acute situation, and that results in the stopping of abuse. Persons outside the family reported child sexual abuse in 4.11% of the cases.

Over this five-year period, 39.36% of the total number of persons who addressed our service in order to report sexual abuse were persons of legal age who had survived sexual assault in their childhood. For 29.77% of the persons of legal age who reported to us, the period between the first incident of sexual abuse and reporting was 10 years and 8 months.

Out of the total number of cases, 64.06% were from the area of Belgrade. No other specificity or significant prevalence of child sexual abuse concerning the geographical area, level of education, race or any other indicator can be singled out. Equally, as of 1994, we have insistently pointed out that the secret is kept longer in urban environments, and, conditionally speaking, in highly intellectual circles – sexual abuse is silenced for a longer period of time before it is disclosed, which does not mean that it is more widespread there or more frequent.

In the period September 2014 – September 2019, 42.19% of the cases involved sexual abuse of children below 10 years of age. On average, sexual abuse of children of the youngest age lasted for 3 years and 3 months (for nearly one third of their lives, and the criminal procedures concerning those cases were later extremely lengthy, which directly impeded the children going on with their lives). In the view of previous 5 year long period (2009-2014), a typical repetitive feature in these cases is a history of violence in partner relationships, where the mother had been exposed to violence in partner relationship and had at some point decided to break out of the partner relationship and protect herself and the child. Unfortunately, in practice, the mother having survived violence is seen as an aggravating circumstance for the child in court, for example, because her testimony in court will be considered as less credible.

In 90.51% of the cases, criminal procedures were not launched. As for the adjudicated cases involving children below 12 years of age, the average duration of criminal procedures was 3 years and 2 months. The average prison term amounted to one year and four months.

**In 41.08% of the cases, our service was the first place where the cases were reported.** Addressing state institutions before reporting to the Incest Trauma Center – Belgrade was recorded in 56.55% of the cases, those being, in order of frequency, the following: social welfare centers, the police, health institutions, etc.

The Incest Trauma Center – Belgrade provided services of psychological assistance in 79.65% through personal contact over a short or long period of time, in 7.73% of cases by telephone and in 12.62% of cases via email or Skype. The services were provided to child / adult sexual assault survivors, as well as to their supportive persons (non-offending).

# 2018

"Meetings of all expert councils for subjects included in the Educational Packs have been held, instructions printed out, material delivered to staff, Annex to the curriculum developed with contents for all lessons envisaged by the Educational Packs, a record keeping plan drafted, classes and activities for parents started. And then all that was cancelled."  
(an EA from ES)

"I think some students apply some sexual violence to their friends."  
(a SPS student - ES)

"Prevention is the most important thing. We need to educate children."  
(an EA from school with no experience)

"Most severe penalties for violators are needed. We should talk to children about this very much, especially at primary school age. We know much about this already and we can cope."  
(a SS student - ES)

"We all need to react when we see someone harassing another person, especially children. Adults are wrong in not reacting. They are afraid of consequences."  
(a student's parent from school with no experience)

"This issue should be discussed even more, from kindergarten, it is important to support ITC's campaign."  
(a T from school with experience)

"Currently it is very difficult in our society to deal with the issue of SV against children, even more difficult to address this issue in school. As professionals, we don't deal enough with this topic and most of us don't even know how to work with children on this topic. Staff members should be encouraged to deal with this issue and their competencies should be strengthened. We lack meaningful programmes for organized work with children. SV against children is still a taboo and is left aside, regardless of the great need and necessity to be addressed..."  
(an EA from school with experience)

"There is a need to empower both adults and children to recognize and respond to situations that bear the threat of violence against children, but unfortunately this need has not been identified by the system of education and instruction."  
(an EA from school with experience)

"Children should be trained via video presentations or role play – in order to be able to practically react in an SV situation."  
(a student's parent from school with no experience)



## CHAPTER 3:

### EDUCATIONAL PACKS

**Dr. Ljiljana Bogavac and Dušica Popadić**

## What are Educational Packs for Learning on the topic of Sexual Violence against Children in Serbia?

There is no more efficient prevention of sexual violence against children than learning from kindergartens to university level how to recognize the violence and fight it back. This learning process is essential for educational professionals, parents and children – and exactly in the listed order.

The Educational Packs resulted from long-term, well-planned, direct and close co-operation of the Ministry of Education, Science and Technological Development of Serbia and the Incest Trauma Center – Belgrade. Conceptually, they make up a whole. Two Educational Packs (1. For kindergartens 2. For Primary and Secondary Schools) together with their Complementary Resource “Healthy Choices for Kids” have 764 pages in total.

The approach, the way in which the topic of sexual violence is to be discussed, is extremely important, given that in 2015, the first National Study on the Social Problem of Child Sexual Abuse in the Republic of Serbia showed that 49% of children and young people between the ages of 10 and 18 discussed this topic with someone for the first time exactly within the National Study. The data shows that adults have “forgotten” this part of their responsibility. In 37.9% of adolescent survivors of sexual violence, they referred to a friend, which is why special attention was given to the alliance through peer support.

**In the age group of 10 to 18-year-olds, there are 4 children out of every school class in Serbia who have experienced sexual violence and 4 more who know somebody who has experienced it. At this moment, 2 children out of every school class are exposed to sexual violence. Primary school pupils usually disclose their experience to a family member, but generally encounter disbelief. Secondary school pupils tend to confide in a female or male friend, who more readily trust them. Out of the 2/3 of the children who disclose their experience, more than a half of the trusted persons fail to take action. Only 7% of them report the case to the authorities.\***

The first National Study resulted with the three Recommendations where two out of three were adopted and implemented:

**Recommendation 1:** The Incest Trauma Center – Belgrade developed the Strategy in Education for Prevention of Child Sexual Abuse in the Republic of Serbia (2016-2020), in co-operation with the Ministry of Education, which was adopted in November 2015 and presented in the Parliament of Serbia.

**Recommendation 2:** The Incest Trauma Center – Belgrade, the Ministry of Education and 24 authors - 21 of whom have experience working as full-time teachers working daily in the classroom and have prepared the lessons - produced Educational Packs. In this way, the systemic learning on sexual violence against children was introduced into the national curriculum of kindergartens, primary and secondary schools in November 2016. The presentation of Educational Packs was held in the Ceremonial Hall of the Belgrade University Rectorate.

**Recommendation 3:** This recommendation considers conducting a comprehensive Study of the attitudes regarding child sexual abuse. As the responsibility of the State, it has not taken place to date.

### Educational Pack for Learning on Sexual Violence against Children for Kindergartens in Serbia, Parents and Caretakers (with slides) (153 pages)

#### *Excerpt from Introduction*

“This Educational Pack is designed for children ages 3 to 7. The activities are presented through games that are fun and creative. They are driven and structured, giving children a sense of safety, security and predictability. This ensures ease and simplicity in the participation of children and the adoption of a value system against violence and discrimination. Children learn about violence, especially sexual violence – how to recognize and oppose it. The educational package respects and monitors the capacities of the child, but also encourages the participation of each and every child. It finds the right words and way to speak to children of the youngest age about violence, relieving adults’ (educators’ and parents’ / guardians’) concern that the topic of sexual violence could scare children or make them insecure.

*\*Source: 1ST National Study on Social Problem of Child Sexual Abuse in the Republic of Serbia (2015©Incest Trauma Center – Belgrade, Serbia)*

The activities empower children, instill in them self-esteem, boost their confidence that they can and should defend themselves against violence and learn how to accomplish that. At the same time, the activities carefully follow the children's need to love and trust those adults who lovingly nurture, care for and educate them. It is recommended that children learn from this Educational Package not only in kindergarten, but also with their parents / guardians. Thus, the effect will be even greater and more beneficial for the child. In the long-standing practice of the Incest Trauma Center - Belgrade, parts of this Educational Package have also been used to work with child survivors of sexual violence, to learn what personal boundaries, good and bad secrets, good and bad touches are, that their body belongs only to them, that they have the right to say NO, to always trust their Inner Voice when they say something is wrong, to believe their feelings. To learn how to find whom to tell and how to seek help and not give up until something changes.

***Because they did not know all this beforehand, survivors of sexual violence were an easy target for the perpetrators.***

The educational package contains 3 units, which are realized through 15 sessions, and 4 printed attachments and a series of 31 slides for learning and revising have been prepared. The units are connected and the children gradually progress from one to another. Our recommendation is that children from 3 to 5 years of age, for whom the first part of the Educational Package is intended, should study with their parents / guardians (grandmothers, uncles, elder sister, etc.), and not only in kindergarten, as they will then, at the age from 5 to 7, take in the second and third part more smoothly, safely and straightforwardly. This will also make it easier for parents / guardians to follow and participate in this process. Attachments: 1. "KIKO and the Hand" material 2. A set of 6 postcards entitled "What is violence and how to defend myself against it?" And 3. A picture book "I'm afraid of that gentleman", which are ideal for daily shared moments of learning and games for children with families. Attachment 4. is a printable thumbnail, as a reward to the childrens for their valuable effort.

For children who have not had the opportunity to study in this Educational package in kindergarten, it is important to know that it is also applicable to children in primary school. The right place would be in homeroom classes. "

## **Educational Pack for Learning on Sexual Violence against Children for Primary and Secondary Schools (451 pages)**

### *Excerpt from Introduction*

"The contents of this Educational Pack are designed so as to "sequence educational material" on the topic of sexual violence against children from grade to grade, coordinated across 10 subjects and min. 75 hours, as an integral part of the corresponding regular, existing teaching units - therefore, they progress horizontally from one subject to another within the same class, as well as vertically from class to class. Also, the contents are appropriate for students who have not yet met the topic until their current age, that is, the approach follows the reality in our country.

The Educational Pack respects and monitors the opportunities of the child, but also encourages the participation of each child. The content is designed to respond to the potential concern of adults (teachers and parents / guardians) that the topic of sexual violence will scare students or make them insecure. Experience in implementation has shown that children are happy to participate in activities, that they empower them, instill in them self-esteem, boost their confidence that they can and should defend themselves against violence and learn how to accomplish that. At the same time, **the activities are carefully following the need for children to love and trust those adults who lovingly nurture, care for and educate them.**

Methodologically, it is a material that is rich in diversity and is a true treasure of resources that have proven to be of interest to children and young people. In addition to the basic content for each unit / lesson that provides a defined General and Specific Objective, it explains in detail the Method, provides Working Material through attachments and slides, publications, points to easily accessible audio and video material, and provides supporting material in the form of Recommended Resources for Teachers to reinforce their knowledge, whereas the Lessons Learned, which convey the experience of what was learned when the lesson was taught (or the main elements of the lesson) are of particular importance. 62% of the total educational package material is piloted.

The subjects for which the lessons were prepared are: 1. Serbian (native) language 2. The World around Us 3. Nature and Society 4. Physical Education and School Sport 5. Music Education 6. Civic Education 7. Biology 8. Sociology 9. Constitution and Citizens' Rights 10. Psychology. We would like to remind you that the Ministry of Education, Science and Technological Development of the Republic of Serbia recognized in its relevant documents that each subject is a potential place for public speaking on the topic of sexual violence against children. Our recommendation is to get acquainted with the content of all the subjects offered here, as it is about a whole range of valuable ways and careful

approaches to learning about the given topic.

**This Educational Package is endorsed by 27 authors, 2/3 of whom have experience working as full-time teachers and have prepared the lessons. Among them there are class teachers, subject teachers, expert assistants. 1/3 authors, formally outside the field of education, have been engaged for many years in the field of violence against children and women, and they have produced accompanying written resources. Authors working in primary and secondary schools have completed a series of accredited programs on the topic of violence against children and women, and record many years of work in this area as part of regular school activities.**

In accordance with the Strategy in the Education for the Prevention of Sexual Abuse of Children in the Republic of Serbia (2016-2020) (see Item 4 in Educational Pack), children and young people learn the following through the offered lesson preparations and accompanying written, audio and video resources:

- A value system against violence and discrimination
- The concept of sexual abuse of children and young people
- Recognizing warning signs, identifying risks and naming sexual violence against children in the family and by helpers
- Reacting when there is a suspicion or knowledge that a child is being sexually abused
- Diversity
- Gender
- Violence against children through history
- UN Convention on the Rights of the Child
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)
- The feelings of the child / young adult survivor of sexual abuse
- Trauma and sexual trauma
- Good and bad secrets, good and bad touches
- My personal safety plan
- The child should believe in her/his feelings
- Adults should believe the child's statement
- A peer should be trusted when disclosing her or his experience of sexual violence
- The child should not give up seeking help until something has changed
- Reproductive and sexual health
- Research, advocacy and social awareness campaigns
- Sexual violence against a child is a criminal act
- Responsibility of perpetrators of child sexual abuse
- Witnesses' responsibility in the situation of violence
- Ethical media reporting on sexual violence against children
- Broader framework: emotional, physical, sexual violence against children and women

In the long-standing practice of the Incest Trauma Center - Belgrade, parts of this Educational Package have been used in preventative activities as well as in working with children who have the experience of sexual violence. ***Because they did not have this knowledge in advance, child sexual abuse survivors were an easy target for the perpetrators.***

This Educational Pack is “preceded” by the Educational Pack on the topic of sexual violence against children for preschool institutions in Serbia, parents and guardians, which provides learning on the topic for children of the youngest age, from 3 to 7 years. They are complementary to the necessary knowledge, step by step, to accompany the child from enrollment in pre-school to high school. If your elementary school students did not have the opportunity to study in a preschool institution on the topic of sexual violence against children, it is recommended that you apply also the Pre-School Education Pack during homeroom classes.

Another complementary resource to the Primary and Secondary Education Pack is the Incest Trauma Center - Belgrade Violence Prevention Program “Healthy Choices for Kids”. The next one, “The Golden Rule of Prevention” is intended for teachers, parents / guardians and children to apply in their homeroom classes, for the design and implementation of school actions and actions in the local community.

Through careful study of the total resources that have been made available, you will notice that for children who are now enrolling in pre-school, the foundation was laid precisely during this period, which is later reinforced during the lower grades of elementary school. Subsequently, certain sub-topics are elaborated and practical content implemented leading to civic responsibility, personal activism through school and community actions, in order to influence the change in attitudes necessary in the best interest of the child.”

**Complementary Resource to Educational Packs for Learning on Sexual Violence against Children for kindergartens, primary and secondary schools in Serbia: For kindergartens, teachers, parents/caretakers and children for implementation in homeroom classes, conceiving and carrying out school actions and actions in the local community (156 pages)**

*Excerpt from Introduction*

“Our Violence Prevention Program «HEALTHY CHOICES FOR KIDS» is based on the fundamental human rights of the child. It does not allow the violence that violates the rights of the child and emphasises the attitude that violence is always and exclusively the responsibility of the perpetrator. This program empowers children by talking about, as they say, “their crucially important things” that surround them and that they hold within, their own vulnerability and the strength they possess. It teaches them practical and realistic management skills applicable to situations in which you can find: defense, self-protection strategy for avoiding situations that carry a risk or coping with them. It provides knowledge of what violence is and how they can get help from the adults they trust. Or, when it comes to adolescence - from their peers.

“Healthy Choices for Kids” do not limit the activity of children, but develop and enhance their abilities. It is fun, and experience so far has shown that it is acceptable, applicable and adaptable when it comes to children ages 7-18. It is equally adequate for children with disabilities and children from different marginalized groups. It builds self-esteem, boost assertiveness - a sense of self worth in a child and a feeling / sense of the rights of others. It teaches about different types of violence and the dynamics of violence and the situation of violence.

This program develops awareness of gender roles in society and of how patriarchally established gender roles provide a basis for violence and “justify” the behavior of the abuser. It teaches the child who the abuser and who the victim is, as well as the strategies and techniques he or she can practise to protect themselves from finding themselves any of these positions.

One high school student, while participating in our Program, said: “The rules set by adults serve to change nothing and keep us in fear, so that even if you want to change something, you cannot and should not. The rules keep you in the dark, you are scared of them, see nothing in the dark, and teach you to think that precisely this way is good and safe. And it’s supposed to be safe, because that’s what adults tell you. You would like it to be different, you feel you are not feeling well, but they say ‘no, that’s the right thing to do, that’s the right way’.”

“Healthy Choices for Kids” are an ally to the child, and the child possesses unmistakable criteria to identify a trusted adult, because only an adult can stop a situation of violence. And the child learns that if the first selected adult does not respond adequately and does not protect her or him, to find another one. And another, until one of us adults takes responsibility. The paragraph “I AM THERE FOR YOU, TOO!” encourages peer support. It also points to professional services that children can turn to for help.

The program is inspirational, playful, provocative, often humorous - both for adults performing it and for children. It

encourages and motivates both to change. It teaches children to respect and rejoice in themselves as diverse and to respect others who are different and rejoice in them. It encourages children to be equal members of society, explains that they have rights that are guaranteed, and not to be deserved. It teaches them, as future adults, to protect and fight for their rights, as well as to protect and fight for the rights of the helpless - to not be observers, but to learn to actively participate in building a democratic civil society, without discrimination and violence.

The topics covered by our “Healthy Choices for Kids” are: family, gender roles, violence against children, discrimination and diversity, domestic violence, sexuality, peer violence, adolescent partnerships. Nothing is self-understood and it is seen as part of learning, to appreciate and publicly praise one another and celebrate accomplishments.

The program covers all three levels of prevention: primary, secondary and tertiary. Primary prevention aims to make these topics accessible for conversation, not secret, and to teach children sound decision-making skills that will prevent them from being the next generation of adult victims / perpetrators of domestic violence. Secondary prevention engages us in identifying female students who live in families where there is a high risk of violence. This applies to children who become victims of either witnessing domestic violence or being directly exposed to acts of violence. That is why we are introducing the imperative to provide an intervention child support group that allows him or her to plan for safety, as well as alternative options for nonviolent problem solving. Tertiary prevention provides community education, here with a focus on school staff and parents, both on recognizing violence and on the basics of intervention, and above all on legislation and taking steps towards parents whose children have disclosed violence in the family in the Support Group. The primary goal is for this student to find and establish a safe place, while the child who is not exposed to violence and his / her parents learn how to be allies to the child who found herself/himself in a situation of violence and not to be an observer.

The program is mostly effectuated in the form of workshops. The work is done in plenary, in small discussion groups, or in pairs. The classic “presentation” part on the teacher’s side is minimal. In fact, the teacher is here to present, argue and vigorously and persistently advocate for human rights values and personally exemplify these values. The real work is actually a joint process of building a Violence Free Zone - participation in the learning process that is happening before you right now, at the moment of speaking, through a constant live interaction of students. You will notice very quickly that you are learning in parallel with your students, and this may come as a pleasant surprise. A series of hands-on exercises have been compiled on the basis of cases that the authors have encountered and conducted over the past few years and have sought to share in practice with you. The program uses numerous video and audio tracks, mostly from the production of the Incest Trauma Center - Belgrade.

Special chapters in this Handbook address the role and responsibility of school staff and parents in the ongoing violence prevention program. They point to goals for both groups, such as proper understanding of the dynamics of the violent situation, the effects on the child and where to seek help. It is a particular responsibility of school staff to learn to recognize behaviors that may indicate that a student lives in a family with violence and to act in accordance with the Criminal Code of the Republic of Serbia, the Special Protocol of the Ministry of Education, Science and Technological Development of the Republic of Serbia on the protection from abuse and neglect, as well as its supporting / complementary documents.

“In the end”, the Incest Trauma Center - Belgrade Healthy Choices for Children program teaches students THAT:

- They have the right to be respected as personalities
- They understand how stereotypical expectations about behavior, relationships and decision-making between women and men contribute to the pattern of abuse
- Violence is a social problem, not their personal, and that everyone around them is willing to do everything to protect them as children
- Violence is a matter of power and control and it means that it happens because the other person wants to rule your life
- Violence is a choice and it is always the sole responsibility of the perpetrator
- Gender is a risk factor - because girls or women are more often targeted
- They understand the dynamics of power and control in family and other interpersonal relationships
- They can identify different types of abuse

- They learn assertive (self-confidence) skills that help them solve problems in their environment and clearly NOT do bad things to them
- They realize that a child is never responsible for violence in the family, that no child's behavior whatsoever is ever the cause of violence
- Neither the person enduring violence nor the perpetrator is ill and that violence is not "a condition to be treated" - violence is a criminal offense and the law prescribes punishment for the abuser and immediate protection for the child
- Violence is stopped by reporting to relevant services and finding allies and in one's personal environment - these are healthy mechanisms for coping with violence and can be learned

**They have the right to break out of violence. Are these your views as well?**

**They are necessary to implement prevention programs for school staff, parents and children."**

### **Supporting educational professionals through our specialist trainings**

There are 3 specialist **accredited trainings of the Incest Trauma Center - Belgrade according to the Minister's decision**, which are available to help employees of (pre) school institutions develop a climate of constant public speaking against sexual violence and successful application of the Educational Pack:

- Basic level: "Gender-based violence from the perspective of child and adult trauma survivors" (2016-); earlier accreditation in the period 2010-2014, by decision of the Institute for the Advancement of Education (ZUOV);
- Advanced level: "Healthy Choices for Kids" Incest Trauma Center - Belgrade Violence Prevention Program (2016-); earlier accreditation in the period 2010-2014, according to the ZUOV decision;
- Advanced level: "Preparing teachers for classroom work on sexual violence" (2013-);

Each of these trainings individually carries for trainees 24 points representing the number of points that education staff are responsible for collecting on an annual basis to renew their license. The quality of training was evaluated by the competent body of the Ministry of Education, Science and Technological Development of the Republic of Serbia (it is above mentioned as the Institute for the Advancement of Education (ZUOV).

**All the aforementioned contents in the Educational Packs were created with the wish to be the beginning and inspiration that over time, gradually, new contents would be created by the colleagues who would be applying the Educational Pack daily in teaching. Because, there are many other good ways to speak about sexual violence in order to prevent it!**

## What happened with Educational Packs?

Educational Packs represent the systemic solution and were officially introduced in the national curriculum of kindergartens, primary and secondary schools in Serbia in November 2016. Afterwards, they were implemented for 5 months smoothly. The Ministry of Education, Science and Technological Development of Serbia and the Incest Trauma Center – Belgrade worked closely together to accomplish this crucial step for Prevention of Child Sexual Abuse.

Then, suddenly, on **April 12, 2017** the retrograde and ultra-right wing forces started up intense negative campaign against Educational Packs and the Incest Trauma Center – Belgrade in social networks and pro-government print and digital media.

Not one single expert from the field of Education, Sexual Violence and/or (Child) Psychology supported the negative campaign. After almost two months of daily orchestrated attacks against Educational Packs and the Incest Trauma Center – Belgrade staff, the Minister of Education stated through the media that Educational Packs were put on standby regarding further use. The Minister threatened educational professionals through the media if they used them.

A huge number of non-appropriate public statements of the Minister were given through a pro-regime television channel, “TV Pink”, and this could be easily checked on Internet. We find that this created and reinforced hostility toward authors of the Educational Packs, including the child and women human rights defenders from the Incest Trauma Center – Belgrade, who were the targets of the part of audience active on social networks.

## TIMELINE

**Step 1.** 1994 and to date – ITC has been delivering specialists’ trainings on Domestic Violence, Sexual Violence and Diversity Issues, NGO management and Group Dynamics issues. At the same time, we provide Supervision services to GOs and NGOs.

Our training programs have been attended by 11546 from 993 GOs and NGOs (4/5 from GOs).

In Education, there are two possible bases on which the training program can be accredited. It can be by decision of the relevant body of the Ministry of Education and by decision of the Minister of Education.

Our three specialist trainings delivered to the educational professionals were officially accredited:

- A)** Firstly, in period 2010-2014, by decision of the Institute for Professional Advancement in Education which is relevant body in charge for accreditation and evaluation of training programs within the Ministry of Education
- B)** Afterwards and until May 2017 - according to the Minister’s decision.

*Results of analysis - Evaluation Lists filled by trainees after accredited trainings delivered by ITC*

*Period: January to May 2017 (total of 5 trainings, 134 trainees (123 female and 11 male)*

| No. | Question (1-8)<br>Fully agree - 4<br>Mainly agree - 3<br>Partially agree - 2<br>Mainly disagree - 1<br>Fully disagree - 0<br>Question 12 (a-e)<br>Question 13 (a-b) | Cumulative GPA |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1   | <i>Themes/contents planned are realized</i>                                                                                                                         | 3.97           |
| 2   | <i>The way of working in the training ensures learning and professional advancement of trainees</i>                                                                 | 3.91           |
| 3   | <i>During training delivery previous knowledge and experiences of trainees are taken into account</i>                                                               | 3.81           |
| 4   | <i>Training was held in accordance with planned working hours</i>                                                                                                   | 3.98           |

|    |                                                                                                                                                         |                                                                  |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 5  | Attending this training will help me to improve my work                                                                                                 | 3.93                                                             |
| 6  | Trainers are knowledgeable regarding the field of this program                                                                                          | 3.98                                                             |
| 7  | Trainers communicate actively with trainees and provide them with a feedback about their work and their outputs                                         | 3.95                                                             |
| 8  | Trainers encourage gaining knowledge in trainees and provide answers to their questions                                                                 | 3.96                                                             |
| 12 | How much time that is spent in this training was used for useful learning activities?<br>a) 0% b) 1-19% c) 20-39% d) 40-59% e) 60-79% f) 80-99% g) 100% | c - 1,55 %<br>d - 1,55 %<br>e - 9,3 %<br>f - 31 %<br>g - 56,59 % |
| 13 | Would you recommend this training to your colleagues:<br>a) Yes b) No                                                                                   | A - 99,23 %<br>B - 0,77 %                                        |

**Step 2.** 1994-2006: ITC carried out regularly small-scale campaigns on Sexual Violence against Children and Women for general public.

**Step 3.** 2004–2005: 1st strategic co-operation with the Ministry of Education in the form of ITC delivering basic and advance level trainings for pedagogues and psychologists from 30 primary and secondary schools.

**Step 4.** 2007: ITC launched the National Campaign against Child Sexual Abuse called “The Me Nobody Knows” and declared officially the introduction of the topic of sexual violence into the national curriculum of kindergartens, primary and secondary schools as the Specific Objective of the Campaign. (video recording of the Launching Event available on Internet – **because of the sensitivity of the topic of Child Sexual Abuse, ITC has a policy of video recording every Public Event we organize in order to avoid any misinterpretation of the content we present**)

**Step 5.** 2007 – 2011: “The Me Nobody Knows” consisted of an enormous range of Public Advocacy activities to familiarize both the professional and general public with the Specific Objective. We raised awareness and did a lot of teaching on the significance of learning on the Child Sexual Abuse issue from kindergarten to university level and promoted this learning through highly visible activities (e.g. trolleybuses ran through Belgrade for 2 years with the message “From kindergarten to university we learn how to fight back violence against children and women”). (many video recordings and other outputs available on Internet)



**Step 6.** “Have I Told You I’ve Been Abused?” 2009©ITC; ITC received the State Excellence Award for this movie and it started being a part of regular syllabi in the classroom in secondary schools in Serbia.

<https://www.youtube.com/watch?v=ULJqZ7-n51s>

**Step 7.** 2011: We submitted documentation to the Ministry of Education requesting to consider introducing the topic of sexual violence against children in the Civic Education for 3th and 4th graders, 6th and 7th graders and 2nd graders

of secondary schools. Documentation contained:

- a) Willingness of ITC to deliver its 2 specialists trainings (basic and advance level) accredited by the Ministry of Education for school personnel free of charge
- b) Suggested content knowledge and literature to enrich Civic Education
- c) Examples of good practices when the topic of sexual violence against children was introduced on university level in Serbia (several teachers from Belgrade University voluntarily recorded their experiences in teaching)
- d) Collection of 113 Letters of Consent from ally state institutions and NGOs declaring their support that it was necessary to introduce the topic of sexual violence against children into the national curriculum from kindergarten to university level (e.g. 53 GOs, out of which 4 ministries of the Government of Serbia).

**Result:** For the first time, the Ministry of Education reacted with a Letter stating this would be taken into consideration. (the Letter available upon request)

**Step 8.** 2012-2015: ITC was invited by the Council of Europe, Strasbourg (Children's Rights Division) to act as the National Leader of the ONE IN FIVE Campaign against Child Sexual Abuse. We continued our strategy behind "The Me Nobody Knows" Campaign and kept the same Specific Objective. Again, the Campaign consisted of an enormous range of Public Advocacy activities. (many video recordings and other outputs available on Internet)

**Step 9.** 2012: The Ministry of Education established for the first time the body responsible to deal with violence issues called "Violence Prevention Unit". After its forming, the Head of Violence Prevention Unit approached ITC and invited us for strategic co-operation in future regarding the issue of Sexual Violence against children and youth.

**Step 10.** 2012- April 2017: ITC delivered a significant number of trainings where the organizer was the Violence Prevention Unit of the Ministry of Education. (evaluation lists proving highly ranked available upon request)

**Step 11.** 2015: ITC, in partnership with the Violence Prevention Unit of the Ministry of Education and the Women Health Promotion Center, carried out 1st National Study on the Social Problem of Child Sexual Abuse in the Republic of Serbia. The findings created a baseline for concrete systemic action on national level. (pls. see Chapter 2; Study Report and video recording of the event held in the Parliament available on ITC YouTube channel)

**Step 12.** 2015: According to 1st Recommendation of the National Study, ITC wrote up the Strategy in Education for Prevention of Child Sexual Abuse in the Republic of Serbia, in co-operation with the Violence Prevention Unit of the Ministry of Education. The Strategy in Education was adopted and ITC with partners presented it in the Parliament of Serbia. (text of Strategy and video recording of the event held in the Parliament of Serbia available on ITC YouTube channel)

**Step 13.** 2016: According to 2nd Recommendation of the National Study, ITC in co-operation with the Violence Prevention Unit of the Ministry of Education organized the process of drafting Educational Packs and completed it together with a team of 24 professionals (out of whom 21 were trained in the field of Domestic Violence and Sexual Assault by ITC and daily work in the classroom; The remaining 3 were colleagues from the Violence Prevention Unit (the Unit had 3 employees)). (23 authors and 3 authors from ITC can be contacted anytime in regard to this case)

**Step 14.** Educational Packs were officially introduced into the national curriculum of kindergartens, primary and secondary schools. The Public Presentation of Educational Packs was held on the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse, November 18, 2016 from 11 am to 2 pm in the Ceremonial Hall of the Rectorate of the Belgrade University. 24 authors received "Thank You" Certificates signed by the Minister of Education. (video recording available on ITC YouTube channel)

**Step 15.** On the day of the Public Presentation, ITC received an email from the Head of Violence Prevention Unit stating the Educational Packs are "a capital work" (e-mail available upon request).

**Step 16.** The official Guidelines on Implementation of Educational Packs were issued by the Ministry of Education and ITC participated in their production (e-mail available upon request).

**Step 17.** The implementation of Educational Packs started. Numerous promotional sessions throughout Serbia were organized for kindergartens and schools and all were led together on the spot by the Violence Prevention Unit and ITC. New ones were scheduled to be held. (documentation available upon request)

**Step 18.** In February 2017, ITC organized and delivered the Founding Day of the National Network of Schools and Kindergartens against Sexual Violence and, in co-operation with the Violence Prevention Unit, presented the Strategic Plan for the National Network. ITC became the designated Coordinator of the National Network. (video recording available on ITC YouTube channel)

**Step 19.** After the Founding Day, steps defined by the Strategic Plan were taken. (email documentation available upon request)

**Step 20.** On April 12, 2017, clerical and ultra-rightwing forces started a negative campaign against Educational Packs and ITC on social networks. (pls. see Chapter 3: Analysis of Media Reporting on Educational Packs (2017))

**Step 21. Educational Packs were called into question on social networks and in pro-regime media on 2 bases: 1. Why to teach children in kindergartens on child sexual abuse issue (twisted on social networks and pro-regime media into “teaching sex 3 year olds”) 2. Biology for 7th graders - Lesson no. 53: “What you always wanted to know about sexuality but did not have a chance to ask” – based on the most frequent questions posed by 7th graders and answered by two school pedagogues and two medical doctors (the message of this lesson was twisted on social networks and pro-regime media into “promoting homosexuality”; pls. see Lesson no. 53 below).**

**Step 22.** Attacks on authors of Educational Packs from schools – Example: One school pedagogue tried to explain on social networks why learning on child sexual abuse issue is important for children. She believed in peaceful, non-conflict communication. It turned out that she received threats through social networks that a group of people were going to ambush her after school hours and beat her up with metal bars. Our colleague was terrified. (the testimony from the school pedagogue available upon request)

**Step 23.** Attacks on authors of Educational Packs from ITC Team – These have worked as professionals and child and women human rights defenders in the field of Sexual Violence for 26 years. The attacks were mainly based on their sexuality. No protection whatsoever was provided by the State.

As a reminder: ITC is a women’s NGO that was always regardless of which regime was in power in Serbia, A) actively engaged in the anti-war movement (supporting the process of confronting the past regarding the accountability of Serbia in 4 wars in the ‘90s in the Balkan)s, B) Speaking out publicly about cases of sexual abuse against children committed by officials of the Serbian Orthodox Church, C) Supporting LGBT rights. These are all issues that represent the most critical test of democracy in Serbia.

This is not the first time that ITC staff were attacked for their engagement (“Dossier ITC” available upon request)

**Step 24.** The Minister of Education spoke to professional and general public and sent out messages to ITC only through the media. No official invitation to meet via regular communication channels.

**Step 25.** ITC Team decided at its Supervision meeting not to debate at all through social networks and the media (we had one appearance on TV N1 Belgrade, Serbia (TV N1 is CNN affiliate and has a regional coverage in countries of the former Yugoslavia) and our Directress was a guest together with a colleague, psychologist, from the elite children’s health clinic in Belgrade who openly supported Educational Packs and expressed her expert opinion that it is important to start from the age of 2 to teach children about their body, boundaries, good and bad touch, etc. (video recording available on Internet)

**Step 26.** The Minister of Education stated through the media that Educational Packs were going to be revised in connection with the Lesson 53, Biology (video recording available on Internet)

**Step 27.** ITC issued a Public Statement no. 1 (for full Public Statement, pls. see below Appendix 1):

**Excerpt: “The Incest Trauma Center – Belgrade, in the capacity of copyright owner for the entire contents of Education Packs and official publisher of Education Packs, reminds the public that their content cannot be altered and used in a revised form, without committing a breach of copyright legal provisions. Educational Packs are the property of the Incest Trauma Center – Belgrade.”**

**Step 28.** The Minister of Education stated through media that ‘because ITC refused the revision, the Educational Packs will be put on standby’ (video recording available on Internet)

**Step 29.** The Minister announced ITC will not be able to deliver its accredited trainings further. Pls. see above Step 1 these were accreditations in the category “in accordance with the Minister’s decision” and with the highest evaluation marks (video recording available on Internet)

We were informed just while delivering one accredited training in a school and at that point we had a waiting list of 23 schools applying for training and membership in the National Network.

**Step 30.** ITC issued Public Statement no. 2 (for full Public Statement, pls. see below Appendix 2)

**Excerpt: The Incest Trauma Center – Belgrade calls upon the Parliament of the Republic of Serbia and the Government of the Republic of Serbia to conduct supervision over this decision of the Ministry of Education of Serbia and urgently encourage the systematic implementation of the Educational Packs for learning on the topic of sexual violence – as it was already confirmed by the Special Instruction issued on 1st September 2017. Thus, the Republic of Serbia will continue – after the after repealing the Statute of Limitations on sexual delicts against children in April 2013, as a joint Initiative of the Incest Trauma Center – Belgrade and the Parliament of Serbia – to epitomize the model of the best systemic solutions in the sphere of sexual violence in Europe.**

Let us remind, between 60-70% of ITC budget since 2009 was spent for advocating for the Specific Objective of the National Campaign targeting the field of Education. Now the funds have been re-directed to the Regional Women’s Network against Sexual Violence, which due to this additional investment, obtained conditions to extend its development and two years later outgrew its regional character (Western Balkans) and in 2019 officially registered as the European Women’s Network against Sexual Violence with 13 member-organizations from 9 European countries with a tendency to expand its membership and impact in future.

**Step 31.** Two out of three colleagues from the Violence Prevention Unit were requested to sign that they do not agree with the content of Educational Packs. They refused to sign. Afterwards, the whole day their names were in hourly news on pro-regime television channel “Pink” blaming them for the Educational Packs and humiliating them by stating in the news they were fired – brutal scapegoating. The third one, the Head of the Violence Prevention Unit, who until her retirement had been holding that post, and was also the Minister’s Special Advisor – remained loyal to the Minister’s attitude. This is the same person from Step 15 (above). (A colleague who stood behind her work on Educational Packs can be anytime contacted in regard to this case)

**Step 32.** The Minister made a statement for the media and threatened educational professionals with punishment if they continued using them. (video recording available on Internet)

And that was all until today. Unlike the Special Instruction for Implementation of Educational Packs, this decision was not in any way made public in written form.

**Step 33.** The Minister of Education made a statement for media that new team will be formed to create new prevention material. Until today, this has never happened.

**Step 34.** The Incest Trauma Center – Belgrade issued an Open Letter to the Parliament and the Government of Serbia asking them to conduct supervision of this decision of the Ministry of Education. This initiative resulted with no reply from any authorities.

**Step 35.** Sonja Lokar, Executive Director of the Ljubljana Office of the CEE Network for Gender Issues reacted by addressing a letter to President Aleksandar Vučić, Speaker of the National Assembly Maja Gojković, President of the Committee for Human and Minority Rights and Gender Equality Meho Omerović and to the Minister of Education, saying that many children will be sacrificed in that way. Nothing happened.

**Step 36.** ITC and four women’s organizations opened an online petition for citizens and professionals to sign if they support the systematic implementation of the Educational Packs (the Reconstruction Women’s Fund, the Women’s Studies, Labris – Organization for Lesbian Human Rights and the Autonomous Women’s Center).

**Step 37.** Negative campaign lasted until June 09 and it was carried out day by day on social networks and pro-regime print and digital media (pls. see below: Reporting of Media on Educational Packs (2017))

**Step 38.** Not a single expert in the field of Education, Sexual Violence and/or Child Psychology ever opposed

**Educational Packs. This has remained unchanged to date.**

**Step 39.** In May 2017, Directress of ITC was conferred the 2017 Fulbright Award for Professional Excellence in 2017. The “Leader” Award was established in the aim of affirming excellence in development of science and research, advancing profession and promoting positive social changes. Directress of ITC received the Fulbright Award for professional accomplishments and contribution to positive social changes accomplished during 2016 in the field of direct service provision to child sexual assault survivors and the work on prevention of violence against children through educational programs.

**Step 40.** In March 2018, ITC received the Feminist Recognition for the Act of Resistance in the Public Domain for the work on creating Educational Packs for learning on CSA issue and the act of resistance against veto on implementation of Educational Packs.” The Feminist Recognition awarded by the BeFem, Serbia.

**Step 41.** *Up to date, many teachers inform us regularly they are using Educational Packs despite the threat.*

**Step 42.** *Up to date, many teachers have informed the Republic Ombudsperson’s Office of the usefulness of using Educational Packs despite the threat.*

**Step 43.** *Educational Packs are continually available online all on official ITC webpage for download – ready to be officially used.*

**Step 44.** *EDUCATIONAL PACKS ARE IN THEIR CONTENT FULLY IN UPDATE IN 2020*

**Regardless of difficulties, we did not give up. Our opinion is that the priority is to provide children with opportunity to learn about sexual violence in order to get protected. That is only important.**

In order to explore how essential the Educational Packs are in the educational system in Serbia, the Incest Trauma Center – Belgrade monitored the implementation of the Lanzarote Convention in 21 primary and secondary schools in the country in the period 2017-2019. The monitoring included the perspective of school pedagogues and psychologists, teachers, parents and children.

It was no simple task to carry out monitoring in schools in the atmosphere of the schools’ personnel fearing the Minister of Education. The same Minister is still in office today in 2020. Geographical representativeness of the monitoring process was partially affected exactly for this reason. E.g. the principal in one school permitted monitoring in 2017, but banned it in 2018, after which a colleague who had carried out monitoring did not dare to ask for monitoring in 2019 (for this reason, the corresponding school from the control group could not be included further, too). For each year, we issued a detailed Annual Report which is in Croatian and available upon request (three Annual Reports make a total of 242 pages).

**Finally, we drafted the Comparative Report on the Implementation of the Lanzarote Convention in the Field of Education in the Republic of Serbia 2017-2019. The findings were clear. Learning about the Sexual Violence has no alternative and Educational Packs are recognized as an utmost useful Learning Tool.**

Please, see Chapter 4 (the Comparative Report on the Implementation of the Lanzarote Convention in the Field of Education in the Republic of Serbia 2017-2019).

**Maja Mamula, Ph.D., Psychology, drafted Annual Reports for 2017, 2018 and 2019. She is an expert in the field and works in the Women’s Room in Zagreb, Croatia, and presently serves as a member of the Governing Board of the European Women’s Network against Sexual Violence. Her rich 26 years long experience regarding the Sexual Violence issue crucially helped this process. Maja Mamula remains at your disposal in the need of any clarifications and other exchange.**

## Public Statement no. 1 – Incest Trauma Center - Belgrade

Dear All,

*The Incest Trauma Center - Belgrade draws attention of the professional and general public to the announcement issued by the Ministry of Education, Science and Technological Development of the Republic of Serbia regarding their intent to revise the Educational Packs for learning about sexual violence against children intended for kindergartens, primary and secondary schools (hereinafter) : Educational packs). The Incest Trauma Center -Belgrade, as the copyright holder of the entire contents of the Educational Packs and the official publisher of the Educational Packs, reminds the public that the content cannot be revised or used in a revised form without infringing the copyright. The Educational Packs are the property of The Incest Trauma Center -Belgrade.*

*The Educational Packs are designed to prevent sexual violence against children and young people by learning, through content that is appropriate to the child's age, about the body, sexuality, good and bad touches, good and bad secrets, how to recognize and defend themselves against sexual violence, how to identify a trusted adult and disclose to her/him that sexual violence is happening to them. Educational Packs provide knowledge to teachers, parents, and other adults who care about their child on a daily basis, about sexual violence and how to be reliable and consistent allies to children and young people to adopt and respect their diversity and that of others. The Educational Packs were designed to provide answers to a number of questions asked directly by children and young people in teaching. Prior to their publication, 62% of the total content was piloted in kindergartens, primary and secondary schools.*

*We believe that one should not wait for sexual violence to occur or for a child to lose her or his life, which also happened in our country as a result of sexual violence. The Incest Trauma Center - Belgrade has stated its responsibility for preventing sexual violence - among other things - in the process of public advocacy for 9 years towards this Ministry and through the development of Educational Packs. During the 23 years of its work, the Incest Trauma Center – Belgrade has learned from children and women survivors of sexual violence that in a significant number of cases sexual trauma would have been prevented if the above-mentioned knowledge had existed. We believe that we should not be waiting until sexual violence occurs or until a child dies. We thank the educational institutions that have already informed us that they have joined this process by completing the preparation and / or implementation of the Education Packs.*

*We remind the professional and general public that the Educational Packs were produced in direct co-operation with the Ministry of Education, Science and Technological Development of the Republic of Serbia in the period March-November 2016, about which detailed written documentation is available. The total content was written by: 3 representatives of this Ministry, 18 teachers, 7 experts active outside the field of education with years of experience in working in the field of violence against children and women. The contents of the Educational Packs were jointly presented to the public by the Ministry of Education, Science and Technological Development of the Republic of Serbia and the Incest Trauma Center - Belgrade on November 18, 2016 (on the European Day against Sexual Violence against Children) and formally adopted and taken over by the Ministry for use. The content is in full compliance with the UN Convention on the Rights of the Child, the Lanzarote Convention and other relevant international and domestic regulations, as provided by the Department for the Rights of the Child of the Ombudsperson's Office of the Republic of Serbia. The Parliament of the Republic of Serbia (representatives of the Committee on Human and Minority Rights and Gender Equality, the Committee on the Rights of the Child and the Women's Parliamentary Network) also stated their approval regarding the importance of the educational packs.*

*The Educational Packs are the result of a five-year collaboration between the Ministry of Education, Science and Technological Development of the Republic of Serbia (Violence Prevention Unit / Group for Protection against Violence and Discrimination) and the Incest Trauma Center - Belgrade, which can be re-called in detail through video materials and statements of the Ministry's officials. The Educational Packs were created on the basis of two documents: Joint realization of the first National Study on the Social Problem of Child Sexual Abuse in the Republic of Serbia and Joint development of the first Strategy in Education for the Prevention of Child Sexual Abuse in the Republic of Serbia. After the preparation of the Educational Packs and the publication and submission of the Instruction to the educational institutions for their implementation by this Ministry, it began from the second semester of the school year 2017/2018, February 21, 2017. The Founding Day of the National Network of Schools and Kindergartens against Sexual Violence was jointly held. The First National Study and the Educational Packs are the property of the Incest Trauma Center – Belgrade, and the Ministry of Education, Science and Technological Development of the Republic of Serbia has already expressed its full agreement with its logo and active participation in their promotion.*

On 9th June 2015, Public Presentation of preliminary results of the First National Study

<https://www.youtube.com/watch?v=V9w0feLjfSE&t=9s>

On 26th September 2015, Public Hearing in the Parliament of Serbia - Joint presentation of the final results of the First National Study

<https://www.youtube.com/watch?v=Yu1rvo8Ldsc&t=5s>

On 18th November 2015, Public Hearing in the Parliament of Serbia - Joint presentation of the first Strategy in Education for the Prevention of Sexual Abuse of Children

On 18th November 2016, Joint Public Presentation of Educational Packs for learning about the topic of sexual violence

I part : <https://www.youtube.com/watch?v=auQQFK2uEDk>

II part : <https://www.youtube.com/watch?v=O34RPDQr-ss>

On 21st February 2017, Founding Day of the National Network of Schools and Kindergartens against Sexual Violence

<https://www.youtube.com/watch?v=AnG-4u78INk&t=474s>

***Educational Pack for preschools, parents and guardians***

[http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC\\_Obrazovni\\_paket\\_za\\_vrtice\\_2016.pdf](http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC_Obrazovni_paket_za_vrtice_2016.pdf)

***Slides accompanying the Education Pack for Preschool institutions***

[http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC\\_2016\\_Slajdovi\\_Obrazovnog\\_paketa\\_za\\_vrtice\\_2016.pdf](http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC_2016_Slajdovi_Obrazovnog_paketa_za_vrtice_2016.pdf)

***Educational Pack for primary and secondary schools***

[http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC\\_Obrazovni\\_paket\\_za\\_osnovne\\_i\\_srednje\\_skole\\_2016.pdf](http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC_Obrazovni_paket_za_osnovne_i_srednje_skole_2016.pdf)

***“Healthy Choices for Kids” - A Complementary Resource to Educational Packs for Preschools and Schools***

[http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC\\_ZDRAVI\\_IZBORI\\_ZA\\_DECU\\_2016.pdf](http://incesttraumacentar.org.rs/files/2016/MPNTR-ITC_ZDRAVI_IZBORI_ZA_DECU_2016.pdf)

Sincerely,  
Dušica Popadić  
Directoress

## Public Statement no. 2 – Incest Trauma Center – Belgrade

Dear All,

We hereby inform you that the Incest Trauma Center - Belgrade has noticed a radical change in the policy of the Ministry of Education of Serbia in the prevention and protection of children from sexual violence, which does not accompany and is contrary to the best interest of the child. The professional and general public witnessed that on November 18, 2016, the current Minister of Education of Serbia, first of all, with his signature - *on Acknowledgements*, which were awarded to 24 authors of Educational Packs for teaching about sexual violence - guaranteed recognition of the quality of Educational Packs and their contribution to prevention and protection of children from sexual violence. The result of many years of efforts was at that moment jointly achieved by the Ministry of Education of Serbia, the Parliament of Serbia (the Women's Parliamentary Network, the Committee on Human and Minority Rights and Gender Equality and the Committee on the Rights of the Child), the institution of the Republic Ombudsperson and the Incest Trauma Center - Belgrade. Five months later, during the regular and consecutive joint promotion of Educational Packs for kindergartens, primary and secondary schools in the cities and after the issuance of the Special Instruction for the implementation of Educational Packs for all educational institutions in Serbia, which had started the process of implementing the content for learning about sexual violence - this Ministry altered its policy. In this regard, the Incest Trauma Center - Belgrade is grateful for the numerous Letters of Support and other addresses by all who raised their voices against the withdrawal of this important instrument from regular use and thus making children even more vulnerable to sexual abuse.

The Incest Trauma Center - Belgrade calls on the Parliament of the Republic of Serbia and the Government of the Republic of Serbia to supervise this decision of the Ministry of Education of Serbia and urgently encourage consistent implementation of Educational Packs for Learning on the topic of Sexual Violence against Children - as already confirmed by the Special Instruction as of 1st September, 2017.

With this, the Republic of Serbia will continue – after rescinding the Statute of Limitations on sexual delicts against children in April 2013, as a joint Initiative of the Incest Trauma Center – Belgrade and the Parliament of Serbia – to represent a model of the best systemic solutions in Europe in the field of sexual violence.

At the same time, we inform the public that the Incest Trauma Center - Belgrade will temporarily suspend the investment of funds in the field of Education until the Ministry of Education of Serbia has resumed the policy of proper prevention and protection of children from sexual violence, consistent implementation of the UN Convention on the Rights of the Child, Lanzarote Convention, the Anti-Discrimination Law and the Law on Gender Equality of the Republic of Serbia. We have been recording focused investment over the past eight-year period, since 2009.

We hereby submit the following contents:

1. Martin Niemoeller – First they came for...
2. Directoress of the Incest Trauma Center - Belgrade wins the 2017 Fulbright Award  
<http://fulbright.org.rs/vesti/dodeljena-nagrada-predvodnica-2017-dusici-popadic-osnivacici-i-direktorki-incest-trauma-centra/>
3. Petition for consistent implementation of the Education Packs by the Ministry of Education of Serbia  
[https://www.peticije24.com/ministarstvo\\_prosvete\\_da\\_primeni\\_obrazovne\\_pakete\\_etc-a](https://www.peticije24.com/ministarstvo_prosvete_da_primeni_obrazovne_pakete_etc-a)
4. Against the best interest of the child - change of policy of the Ministry of Education of Serbia in Prevention and Protection of Children from Sexual Violence - VIDEO submitted to the Incest Trauma Center - Belgrade by a conscientious citizen (containing original statements by the Head of the Violence Prevention Unit of the Ministry of Education of Serbia in the period 2012-2016, and Special Adviser to the current Minister of Education of Serbia, Ms. Biljana Lajovic) <https://vimeo.com/217308098>
5. The media report:  
Daily "Danas" Nadezda Radovic "Who is offended by Incest Trauma Center" – 28th May 2017. [http://www.danas.rs/nedelja.26.html?news\\_id=346855&title=Kome+smeta+Incest+trauma+centar](http://www.danas.rs/nedelja.26.html?news_id=346855&title=Kome+smeta+Incest+trauma+centar)  
Daily "Danas" Aleksej Kisjuhas "Our sexual children" – 21st May 2017. [http://www.danas.rs/dijalog/kolumnisti.889.html?news\\_id=346256&title=Na%C5%A1a+seksualna+deca](http://www.danas.rs/dijalog/kolumnisti.889.html?news_id=346256&title=Na%C5%A1a+seksualna+deca)
6. Reminder of the only announcement of the Incest Trauma Center - Belgrade in the period of alteration of the policy of the Ministry of Education of Serbia

IN GERMANY,  
FIRST, THEY CAME FOR THE COMMUNISTS,  
AND I DID NOT SPEAK OUT,  
BECAUSE I WAS NOT A COMMUNIST.

THEN THEY CAME FOR THE JEWS,  
AND I DID NOT SPEAK OUT,  
BECAUSE I WAS NOT A JEW.

THEN THEY CAME FOR THE TRADE  
UNIONISTS,  
AND I DID NOT PROTEST,  
BECAUSE I WAS NOT A UNIONIST.

THEN THEY CAME FOR THE CATHOLICS,  
AND I DID NOT PROTEST,  
BECAUSE I WAS A PROTESTANT.

AND WHEN THEY CAME FOR ME,  
THERE WAS NO ONE LEFT,  
TO SPEAK OUT FOR ME.

**Martin Niemoeller**

*Sincerely,  
Dr Ljiljana Bogavac  
Deputy Directoress*

*Case Example:*

## WHAT YOU ALWAYS WANTED TO KNOW ABOUT SEXUALITY BUT DID NOT HAVE A CHANCE TO ASK

- For students and teachers -

### Authors:

*Nevenka Kraguljac, independent pedagogical advisor, expert associate*

*Dragana Spasojević, teacher, pedagogical advisor*

*Dr. Ljiljana Bogavac, Incest Trauma Center - Belgrade*

*Dr. Stanislava Otašević, Women's Health Promotion Center*

The text was created on the recommendation of a team of teachers gathered around the school subject Biology for the needs of the Education Pack, and the most frequently asked questions that were answered in the following content were collected from seventh and eighth graders.

Entry into adolescence can be described as a simultaneous feeling of joy, excitement, expectation, insecurity, impulsiveness, excessive sensitivity, secrecy, irritability, whimsiness. In fact, it is a period of intense physical, cognitive, emotional and social changes.

The World Health Organization (WHO) defines adolescence as the period between the ages of 10 and 20, but different countries designate it as a period between twelve to eighteen or ten to eighteen years of age. A.B. Hollingshead defines adolescence as "the period in a person's life when the society in which they live ceases to look at her or him as a child but does not provide full adult status, roles and functions. "

Adolescence is characterized by an identity crisis, the influence of a peer group, opposition to adult authority, issues related to sexuality, hazardous behavior (abuse of alcohol, drugs, risky sexual behavior). Adults attribute certain characteristics to adolescents, mainly based on their affiliation with that group. In this respect, two common stereotypes come to light. One is "they are problematic and irresponsible" and the other is "conformist and obedient." The reality is that, apart from age, any group of young people have little in common. Also, adults send them confusing messages about sexuality: they are denied gratification in their sexuality, yet on the other hand, strong sexual stimulation is encouraged - especially through the media.

We forget that for adolescents, the two most important developmental tasks are: 1. accepting your changed bodies and 2. development of sexual identity and the exercise of responsible sexual behavior. Sexuality, although fundamentally a biological phenomenon, cannot be viewed separately from society, culture and norms. "Sexuality is both public and private, both intimate and regulated by law, both biological and cultural, at the same time socially constructed, organized and institutionalized, and a product of fantasy and individual action and resistance," continues A.B. Hollingshead.

Adolescent sexuality involves two different worlds. The world of masculinity and the world of femininity, that is, two different gender identities. Conventional feminine identity (femininity) means: being attractive, sexually inexperienced, striving for a man and wanting a relationship with him, believing in love, letting a man take initiative in sex, letting sex "simply happen. " Masculinity, on the other hand, implies that men know everything about sex, control sexual relations, they are "illustrative examples" of sexuality in search of pleasure.

### The most frequently asked questions

As the sexual urge increases and the body changes, novel, often incomprehensible thoughts and feelings accompany these changes. The reality is that adolescents do not know everything they need to know about sexuality, though many behave as though they do. Unfortunately, they are usually left to their own devices and look for the answers to the following questions themselves:

### **- What exactly is sexuality?**

*Sexuality is an area that includes feelings, needs, communication, sex and ... Those "three dots" are not accidental, because every person's sexuality is a complex sphere. It is often thought that it simply equals sex, but this is not the case. Sexuality is often referred to in a simplified way, as if walking hand in hand with someone excluded a person's ability to achieve intimacy as well. Therefore, do not rush to simplify, because your sexuality is waiting for you with lots of curious queries!*

### **- When is the time for your first sexual experience?**

*Time for the first sexual experience is not defined by stating a girl's or boy's age. It cannot be said that it is 14, 15, 16 or ... years. The readiness for the first sexual experience depends on physical and emotional maturity, so there is no rule when the best time for this step is, because there is no unique and correct answer. However, it should be said that regardless of individual differences, it is considered desirable to have the first sexual intercourse with a girl / boy, a person you love, who loves you and whom you trust. Often, that is not enough to take this first step. In any case, you need to evaluate all the pros and cons before you decide to take it. It is important that you do not make a hasty decision.*

*So, think well about whether or not you are ready for this step. It should be only your decision, not your attempt to meet the expectations of the environment, i.e. of your friends or people you hang around with. Also, you should be well informed and aware of all possible aspects, including the consequences of sexual activity.*

### **- How to perform a French kiss?**

*The French kiss is most commonly known from movies. It is mostly romantic in nature, mysterious and enigmatic, it lasts long, is passionate and powerful. The person who kisses touches the tongue of the other person, the one who is kissed. By stimulating the lips, mouth and tongue, three areas that are very sensitive to touch, it provides a sensation of pleasure and excitement. Whether the other person will respond the same way – remains to be seen. A "real French kiss" can only happen if both persons want it. In a way, it might as well become history, because nowadays kisses are free of "rules", and persons in love kiss as they please and as they find enjoyable.*

### **- When does a girl get her first period and is there a deadline by which time menstruation must occur?**

*The first period occurs between the ages of 12 and 16. Some girls get it sooner and some later because there is no fixed age for this to happen, no strictly defined year when menstruation occurs. The first period most commonly occurs between the ages of 12 and 14. Note: the first period may also occur as of age 9. If it fails to occur by the age of 16, a doctor, gynecologist should be contacted.*

### **- What is white discharge?**

*Enhanced vaginal discharge, i.e. white discharge can be a sign of various diseases of female genital organs. Often, no other difficulties are experienced except for white vaginal discharge, which is a sign and a reason to see a doctor. For treatment of increased vaginal discharge, its true cause must be found in the first place, because vaginal discharge is just a visible sign of some other condition. A woman can have increased vaginal discharge in every period of her life - from birth to very old age. It is also found in very young girls, as well as in puberty. Due to dirty laundry, rinsing genitals with dirty water, touching the genitals with dirty hands, even girls who have not yet had sexual intercourse can develop inflammation in the mucous membrane of the vagina, which increases secretion, i.e. white discharge. At an early age, white vaginal discharge can merely be a sign of general weakness and anemia.*

### **- What does the term oral sex specifically refer to?**

*Being in love, being loved and making love is a wonderful thing. How sexual intercourse will be accomplished and pleasure achieved is a matter of desire, needs and consensual agreement of people making love. Oral sex is a type of sex in which the sexual organ of a woman or a man is stimulated orally, that is, with lips, tongue, and /or teeth.*

### **- What is anal sex?**

*Being in love, being loved and making love is a wonderful thing. How sexual will be accomplished relationship and experience pleasure is a matter of desire, need and agreement of the people making love. Anal sex is a form of sexual intercourse. Don't get bogged down in "technique". Persons who are in love with each other will explore what they like.*

### **- Is it true that there is a male and female condom? What is a female condom for?**

*Yes, there are both male and female condoms. Both condoms are mechanical contraceptives, which prevent the sperm from penetrating the egg, i.e. protect against unwanted pregnancy in 95% - 98% of cases. In addition, both male and female condoms are the most effective way to prevent sexually transmitted diseases. Both condoms are made of very thin latex or silicone. Women use a female condom so they do not have to rely on a man for protection against unwanted pregnancy. Unfortunately, for now, a female condom cannot be purchased in Serbia.*

*Girls who love girls also use protection when they make love. Sometimes it is important to keep in mind that women of lesbian orientation may not always have identified as lesbians, and may have their sexual pre-history as "straight" persons. Within a lesbian love relationship, latex or polyurethane (very thin, soft plastic), square shaped, is used to cover the female genitals or anus during oral sex. They help as a barrier to prevent sexually transmitted diseases. People of all sexual orientations should always take care to avoid oral sex if have any cuts or sores in the mouth or lips.*

### **- How does it feel to have an orgasm?**

*It is very important that you do not consider that the purpose in a sexual intercourse is to have an orgasm. Society often imposes valuation of the entirety of intimacy and sexuality with a loved one through whether orgasm has occurred. Each a person has their own, unique, orgasm feeling. The basis of physical events during orgasm is the occurrence of rhythmic contractions in the genital region. However, what it feels like overall comprises a number of different physical and psychological manifestations. The primary feeling is the feeling of pleasure and relaxation. Still, some feelings are similar in everyone and are manifested by changes in breathing, sensation of heat, sweating, jerking of the body, narrowing of consciousness and the need to let out a sob or shout. The hormone of happiness that is released during orgasm allows you to feel happiness, dizziness, delight, warmth and / or drowsiness. If there is no orgasm, there can be many reasons that are related to the partner or not related to him/her at all. Sexuality without orgasm is equally valuable. Sexuality has always been practiced in countless beautiful ways, which is largely individual. It cannot be prescribed how much excitement and which feelings are needed to be happy in the sexuality that is shared with another person. Sometimes one feels the need to have merely for intimacy between two loving people and that is okay.*

### **- Is masturbation harmful?**

*It is not. Masturbation is a normal phenomenon and has nothing to do with the presence of any physical or mental disorder or disease. Self-gratification or masturbation is sexual stimulation, most often of one's own genitals, until orgasm is reached. It is usually performed manually, but other types of physical touch are not excluded, as well as the use of objects. The ways of exploring yourself, your body and your sexuality are inexhaustible. Girls and boys masturbate for the first time as teenagers.*

### **- How long can one masturbate?**

*There are no time / age restrictions for masturbation. Both sexes, girls and boys, masturbate, as well as women and men of all ages. The important thing is that it brings them pleasure and satisfaction, and not pain, injury or possibly bleeding.*

### **- Is it ok also for girls to masturbate?**

*It is. Masturbation is a normal occurrence in both girls and boys.*

### **- When should the male genitalia begin to grow and how large should it be?**

*The male reproductive organ begins to grow at puberty. In most cases, puberty in boys begins between 10 and 14 years of age and lasts for 3 to 5 years. The male sex hormone, testosterone, is the main "culprit" for the changes that are happening during this period that are reflected in increased body growth and enlargement of the sexual organ, which implies growth of the testicles and penis. The testicles first enlarge, and soon after, the male genitalia begin to grow. The period when this will happen varies from boy to boy. The first changes in the size of the penis relate to its growth in length and later in girth. The average length of the penis in an adult male is 12 to 14 centimeters.*

### **- Who can I talk to about sex without having them shout at me and think I'm obsessed with sex?**

*You can always find a person you trust and who respects you and feel free to ask questions that interest you in your own*

way. Parents very often do not know the answers. We believe there is a person in your close environment that you can talk to. If not, there are always experts who are knowledgeable about this subject. This can be a trusted psychologist, your doctor or gynecologist.

**- I kissed a female friend several times, that excites me a lot, am I a lesbian?**

*Track your feelings and needs, don't be scared or ashamed, falling in love and love are precious feelings. As for the kiss, the sexual identity of each of us is more complex than a kiss. (See below for what makes up your sexuality, and you will see that sexual identity is one of its aspects.) Don't rush, everything does not have to be given a name all too fast.*

**- I'm a young man, I like a male classmate.**

*Track your feelings and needs, don't be scared or ashamed, falling in love and love are precious feelings. How would you answer this same question coming from your straight friend, confiding in you that he likes a female classmate? Those are the same feelings.*



**If you are different from the prevailing model**

Of particular difficulty occurs when a young person realizes that their sexual identity is not heterosexual ("straight"), but "different", that is, gay, bisexual or transgender. Although in Serbia there is a Law on Prohibition of Discrimination and it is punishable to endanger another person because they are different in their personal characteristics, we still live in a homophobic society where homosexuality is condemned and young people lack respect of the environment. Young people then most often decide to remain silent about their homosexuality, thereby avoiding abuse and discrimination by the environment, or struggle against their homosexuality by trying to forcefully fit into a heterosexual, patriarchal pattern.

Heterosexuality as a dominant form of sexual preference is constantly talked about and we are flooded with information about it through education, the media, etc. (compulsive or forced heterosexuality). A key responsibility of both adults and adolescents among themselves, is to respect a different sexual identity from the dominant one. If anyone is targeted because of their sexual or other identity that is different from the prevailing model, it is very important to report the attack to the police and be publicly ally to the person under attack. If you are a (silent) observer or bystander, this means complicity with the abuser.

All social actors emphasize repeatedly that "LGBT people should be accepted and that they should be met with understanding". However, it is language itself that can greatly encourage marginalization. For, would you demand the same for people from the dominant, heterosexual social group, "to be accepted and met with understanding"? You would not. That is why it is important to go back to the beginning - this is about human rights, being on an equal footing with anyone else.

## Sexuality is...

Sexuality, the body, or sexual enjoyment are not commonly discussed. Even when sexuality is discussed, with adolescent girls it is mostly on the subject of pregnancy dangers “and the epitome of “a bad girl” (“Lolita” and promiscuous). For adolescents, it is on “how to be a macho man”.

Sexuality is mostly examined through: knowledge of contraception, first love experience and who is the person with whom they had first love experience. When it comes to the first love experience, it happens most often out of curiosity, love or because of partner pressure. Most often, who it happened with is referred to as a boyfriend or girlfriend, but also an elderly person and relative. So, among this information we will also find alarms.

Sexuality is complex and not just about sexual intercourse. The essential dimensions of adolescent sexuality are:

- **Needs and feelings** (the emotional dimension of sexuality); regarding this dimension, it is most important to recognize, name and clearly express needs and feelings, that is, to preserve one's own boundaries.
- **Values and attitudes**; They are learned and shaped first in the context of family and peer relationships, as well as religious beliefs. Close, important people (who are outside the family) also exert some influence. The most important thing is how to incorporate sexuality into one's own general value system.
- **Knowledge of the structure and function of reproductive organs**; Girls often ask “How many holes do I have down there”? Do we pee and give birth to a child through the same hole?” It is also important to learn and know the structure of the external and internal genitals and their role and thus the fears and anxieties related to change are dispersed. “There are three holes. Through one you pee, the second is the vagina through which a baby is born, and the third is called the anus (bottom).
- **Communication**;
- **Negotiating sex** (avoid coaxing and pressure from partners);
- **Sexual identity**;
- **Safe sex**; The use of contraceptives and condoms is always important. Never borrow them from others, or friends, but rather consider your options by consulting a gynecologist you trust. If you are having sex out of curiosity or **for experimentation purposes**, make sure that you take care yourself to use protection against unwanted pregnancy and sexually transmitted diseases. In this way you will avoid the risks and be able to timely say NO to whatever you don't like or could potentially lead to sexual abuse.
- **Body, sexual pleasure, masturbation, orgasm**; exploring your own body is very important. Getting to know your body, what pleases you and what does not. It often happens that even adults have some uncertainties about these matters. You can explore by yourself or with your loved one. Researching with a loved one is beautiful and meaningful always and only when and how both you and your loved one want it.
- One of the undoubtedly most important aspects, especially for adolescent girls, is the **LEARNING OF COMMUNICATION SKILLS TO PROTECT YOUR SEXUALITY**. It means:
  - Set personal boundaries
  - Learn to say what you want, when and how you want to have sex, if someone puts pressure on you
  - Learn to say NO
  - Learn to always request safe sex
- All this means learning to **NEGOTIATE SEXUALITY** in order to avoid pressures and misunderstandings, to understand others, respect others, make responsible decisions, and establish a mutually satisfactory and constructive rapport and relationships with persons of the same or opposite sex.
- Misunderstanding and rejection of adolescents within the family and their social environment make acceptance of their altered body and sexual identity development and responsible sexual behavior even more difficult. Here are some examples when low self-esteem and confidence prompt adolescents into high-risk sexual intercourse, making them easy prey for sexual abuse:

- If the body begins to change, whether due to the process itself or if it takes place sooner or later as compared to peers, adolescents may think that something is wrong with them, that they are not normal, that they are different. And to be different is not good, this is the message usually sent by society and family.
- If unable to accept their physical development and sexuality, they may start starving themselves or eating excessively.
- If a young person is attracted to a same sex person, he or she may feel contempt, self-hatred, become suicidal, or promiscuous, so as to “prove” that they are heterosexual. If bisexual or transgender, they are most often exposed to discrimination not only by the dominant heterosexual community, but also within the LGBT community (lesbian, gay, bisexual, transgender). **At the moment, various US studies show that at the age of 2 to 12 years one in three transgender children attempt suicide.**
- Young people growing up in a family where there is violence witness it or are themselves its victims
- The influence of parents who are cold, distanced carries the message “you are not worthy enough”, “you are not important enough”
- School failure
- Young people who feel rejected in a peer group or from another social setting
- Girls who act seductively and like to flirt - “it’s an invitation for sex and it’s their fault if sexual abuse happens”

## CONCLUSION

It is the responsibility and task of all adults to understand that negative forms of behavior or choices are not a mirror of an adolescent’s “healthy choices”, their whim, manipulation, “problem”, but most often a response that is an alarm and signals developmental difficulties, especially in the sphere of sexuality. It is the responsibility of adults to help young people and empower them, to be trusted allies, especially if the young person possesses a personal trait that makes them feel different from the majority. Then, the adult responsibility is even greater.

• **Appendix 1:** Brochure for Adolescents – The Right to Choose a Helper.

• **Appendix 2:** The Story of Tina and Boža.

- Brochure for adolescents – The Right to Choose a Helper.

## IS ANY OF MY FRIENDS A SURVIVOR OF SEXUAL VIOLENCE, WHICH I FAILED TO RECOGNIZE?

«Yes, I am a survivor of sexual violence and I have the right to choose a helper because I deserve the same understanding like any other person « (From the INCEST TRAUMA CENTER - BELGRADE Campaign «THE ME NOBODY KNOWS», 2006)

DEAR WOMEN,

WE ARE

*The Incest Trauma Center - Belgrade, a women's non-governmental specialized service, we have been active since 1994 and we are the oldest organization in Serbia and Montenegro providing psychological support to persons with incest experience, sexually abused children and adult survivors of childhood sexual abuse.*

*It's hard, but let's try to openly ask and talk about sexual violence!*

*How long do we remember and how do we talk about a crude joke we were told, a humiliating comment, a telephone call where someone sends us suggestions or compliments of sexual content? If we dare to walk alone at night, we are never calm, we turn around and do not know if we would, paralyzed with fear, manage to scream or escape from an unfamiliar onlooker, or one who exposes otherwise covered body parts.*

## IT IS IMPORTANT TO KNOW THAT

We are never guilty and there is no conduct by which we cause UNWANTED TOUCHING, ATTEMPTED RAPE, RAPE BY AN UNKNOWN PERSON OR BY A PARTNER OR SPOUSE!

THE GUILT AND SHAME ARE ALWAYS ON THE PERPETRATOR!

WE CAN BE SCARED, WE CAN LOOSE CONFIDENCE, WE CAN CRY, TREMBLE, WE CAN WITHDRAW!

WE CAN BE FURIOUS AND ANGRY, YES!

THEREFORE, LET US RECOGNIZE OUR FEELINGS AND TRY TO TALK ABOUT THOSE FEELINGS!

INCEST- "Far be it," they say ... BUT THE TRUTH IS NOT FAR, AND IT DOES HAPPEN TO US!

The abuser's methods are always manipulative, he abuses children's love and trust, abuses his power over a child! The abuser watches or follows a child, undresses in front of the child, makes pornographic photos, touches the child in a way that the child does not want, tries to have sexual intercourse, rapes. THINK ABOUT THE CHILDREN'S FEELINGS, THE PAIN, THE LONELINESS, THE FEAR, THE ANGER, THE POWERLESSNESS, GUILT FEELINGS.

LET US LISTEN TO THE CHILDREN'S FEELINGS, LET'S TALK ABOUT THEM! Let's remember our own childhood, what we wanted, who we loved most, what we needed?

It is also true that child prostitution is widespread and that pornographic photographs and videos exist children! WHO WANTS TO HEAR THIS AND WHO DOES IT CONCERN, who will believe this? How will the police or the judiciary react? FEAR, CONCERN, SHAME... Are these not our feelings again?

WE WANT YOU TO KNOW YOU ARE NOT ALONE!

**We at the Incest Trauma Center**

**ALWAYS BELIEVE THE WOMEN'S WORDS!  
WE ALWAYS BELIEVE YOUR INNER GIRL'S VOICE!  
ALWAYS BELIEVE THE WORDS OF THE CHILD YOU LOVE!  
IF YOU KEEP A PAINFUL SECRET FOR A LONG TIME OR SUSPECT THAT SOMEONE ELSE DOES,  
it is not easy to speak out!**

DO NOT GIVE UP!

TRY TO DO SOMETHING! IT'S IMPORTANT!

YOU CAN CALL US!

WE WORK 24 /7!

*WHEN YOU DECIDE TO TALK ABOUT YOUR EXPERIENCE OF SEXUAL VIOLENCE WITH PROFESSIONALS WHO PROVIDE  
ADVISORY / THERAPY SERVICES IN DIVERSE SERVICES*

## **YOU CHOOSE YOUR HELPER**

**The list of questions that are important to ask as a client when you first meet your therapist as well as throughout your therapy:**

*(\* Taken from the book "Courage to Heal" by Ellen Bass and Laura Davis, translated by Incest Trauma Center - Belgrade on the occasion of its tenth anniversary, 2004)*

- Have you ever worked with survivors? What type of training do you have in this field?
- How do you work with survivors? What techniques do you use?
- If you have not worked with survivors so far, how would you prepare to work on this issue?
- Would you support my participation in a self-help group / support group (e.g. within a women's NGO organization specialized in violence issue)?
- Do you think that sexual intercourse with adults is always harmful to children?
- Do you think that children ever willingly engage in sex with adults?
- Do you think women ever fantasize or exaggerate abuse?
- Do you think family reconciliation is a goal to be pursued? Why (or why not)?
- What role do you think forgiveness plays in the recovery process?
- Do you consider that confronting the client with the perpetrator is a goal? Why / Why not?
- If I cried, how would you react?
- (For lesbian girls and women) Have you worked with lesbians before? Do you see lesbianism as one of the therapy issues?
- Do you think sexual orientation is related to the history of sexual violence?
- Do you think it is okay for therapists and clients to socialize and become friends during or after therapy? Or when it is finished? Are there any circumstances where sex would be appropriate?
- How much do you charge? (If the price of the session exceeds your options, ask if there is a sliding scale or the possibility of any arrangement.)
- Do you have a number at which I can leave a message for you at any time so that we can get in touch immediately? So that I could schedule an emergency therapy session?

Ask the questions that are most important to you. Add others to determine if your future therapist is sensitive to specific issues that are important to you. For example, you may want someone familiar with your problems connected

to alcoholism or eating disorders.

**IF YOU ARE NOT SATISFIED WITH THE ANSWERS YOU RECEIVED, LISTEN TO YOUR INNER VOICE AND BELIEVE IT, SEARCH FOR ANOTHER TRUSTED PERSON WHO WILL BE YOUR HELP! BE SURE THAT HELP IS AVAILABLE!**  
**THERE ARE CERTAIN FUNDAMENTAL FEATURES THAT YOUR HELPER NEEDS TO POSSESS**

- Believes that you have been abused
- Never minimizes your experience or the pain it inflicted on you
- Has information (or is willing to provide it) about the recovery process for adult survivors of childhood sexual abuse
- Is willing to hear and believe in the most difficult experiences you have spoken about
- Focuses on you, not on the perpetrator
- Does not initiate reconciliation / dealing with the perpetrator / forgiveness
- Does not want to associate with you outside counseling / therapy
- Does not talk about her personal problems
- Does not want to have sexual intercourse with you
- Completely respects your feelings (regret, anger, anger, sadness, despair, joy ...)
- Does not force you into anything you do not want
- Encourages you to build a support system beyond counseling / therapy
- Encourages your contact with other survivors of childhood sexual abuse
- Teaches you how to take care of yourself
- Is willing to talk about problems that occur in the assisting relationship itself, in the helper - client relationship

**THESE ARE ONLY SOME OF THE QUALITIES THAT THE EXPERT(S) MUST HAVE TO WORK WITH SURVIVORS OF (CHILDHOOD) SEXUAL ABUSE, SO DO NOT ACCEPT ANYTHING LESS, BECAUSE YOU DESERVE THE SAME UNDERSTANDING OF YOUR LIFE ISSUES AS ANY OTHER PERSON**

## THE STORY OF TINA AND BOŽA

*The story of Tina and Boža is part of the regular basic-level educational cycle for the Incest Trauma Center - Belgrade Peer Team.*

Tina and Boža are fifteen years old. They know each other from the place where they both live and have mutual friends. That is how they met, through them. They have been dating recently for about 4 months. Boža says “already,” Tina says “just.” They haven’t “slept” together yet, even though they nearly did a few times. Tina refused because she was not ready. That morning, Boža was overjoyed and sent a message to Tina saying that his parents were going to visit his sister for two days and that he was going to be completely alone at home. An empty apartment is not something that happens every day and he immediately planned how Tina would come over and how they were going to spend time together. He even bought condoms, although he couldn’t remember where he put them, but it didn’t matter, it’s not that important when two people are in love with each other. “As long as Tina can spend these two days with me.”

Saturday came, at about eight o’clock in the evening Tina arrived. Boža had downloaded a romantic comedy from the internet, because he knows “that all girls fall for such romantic heartbreak.” They watched the movie, nibbled on chips, drank juice and somehow slid from their sitting position into lying on the couch, kissing and cuddling. Boža slipped his hand under Tina’s blouse, began to unbutton and remove her bra. She was comfortable with touching, caressing and kissing. She enjoyed that passion and warmth. It wasn’t until he started slipping his hand into her panties that she felt uncomfortable, and she wanted to stop it.

She opened her eyes and saw above her Boža, aroused and impassioned. Even his touch had become rough. She told him to stop, to quit what he was doing, because she wasn’t ready and did not want that. She tried to pull away, but his body was heavy, it weighed upon her as if she was captured. Boža ignored her. He knew they were in a relationship and he was entitled to sex. After all, “why did she let me take off her bra, if she doesn’t want this?”

***What did we learn about Tina?***

***What did we learn about Boža?***

***What would you call Boža’s behavior?*** (violent behavior: disregards Tina’s wishes, thinks only of himself and recklessly goes on, blames Tina)

***Finish the story ... Tina countered and defended herself. What happened to their relationship afterwards?***

***Then what would be our conclusion, when does a girl have the right to change her mind?***

The girl has the right to say “NO” always and at any time when she is no longer comfortable with touching or if it frightens her. That right applies to both persons having sexual contact. However, in reality, it is girls who most commonly need this encouragement.

## REPORTING OF MEDIA ON EDUCATIONAL PACKS (2017)

The Incest Trauma Center – Belgrade has been receiving for years now, on regular basis, media clippings from the Ebart Media Documentation, an agency specialized in monitoring media coverage.

Based on the key term “Incest Trauma Centar”, they explore media clippings on daily basis.

For the purpose of the Advocacy and Lobbying Pack, media clippings in the period 17/11/2016 – 11/01/2018 were monitored.

17/11/2016 – One day before the Public Presentation of the Educational Packs i.e. introduction of learning about the topic of sexual violence against children into the national curriculum of kindergartens, primary and secondary schools. The Public Presentation was held in the Ceremonial Hall of the Belgrade University Rectorate on November 18, the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse.

11/01/2018 – The last media clipping with negative messages related to the Educational Packs and the Incest Trauma Center – Belgrade. After this one and up to date, we are informed only on media clippings that represent ethical reporting.

| Period                  | Quality of Reporting  | No. of clippings |
|-------------------------|-----------------------|------------------|
| 17/11/2016 – 11/04/2017 | Ethical reporting (E) | 37               |
| 12/04/2017 – 11/01/2018 | Negative campaign (N) | 32               |
|                         | Ethical reporting (E) | 41               |
| <b>TOTAL</b>            |                       | <b>110</b>       |

Within the term ‘negative campaign’, the word ‘campaign’ is used instead of ‘reporting’ or i.e. ‘non-ethical reporting’ or ‘negative reporting’ and the reason for this is that the pattern in reporting was recognized which points out to the hypothesis this negative action as a whole, in media and social networks, was orchestrated.

In its Supervision meeting, the Incest Trauma Center – Belgrade decided not to react publicly on the hostility we were exposed, fully aware our rights as the child and women human defenders were seriously violated. We did not trust we would be protected by the state institutions. The case was this had not been the first time we were targeted by clerical and ultra-right wing forces, therefore we trusted our previous (negative) experiences in looking for protection.

Media clippings show that after 5 years of close and ongoing co-operation of the Ministry of Education and the Incest Trauma Center – Belgrade, it took no more than 10 days to have the Minister declare the Educational Packs should be put on stand-by. By this step, the work of 27 Authors of Educational Packs was also erased. This was announced by 22/04/2017.

Let us draw your attention that, among all print and digital media, the negative campaign was reinforced also by print media called “Pravoslavlje/Orthodoxy”.

The Child Sexual Abuse issue had already been a vulnerable and marginalized topic in society. The consequence of the negative campaign and the Minister’s decision is that children have lost the opportunity to learn how to prevent and stop sexual abuse. They remain easy targets for perpetrators of sexual abuse.

There is also a clipping conveying the Minister’s statement that the Ministry will form a new team of professionals who will draft new material in connection with the prevention of child sexual abuse.

To date, no team has been formed or material drafted.



- ethical



- negative campaign

18/11/2016 – RTS 1 (public broadcaster)

Four child victims of sexual violence in every classroom in Serbian schools



Datum: 18.11.2016

Stanica: **RTS 1**

Autor: Biberović Dragana

Naslov: U svakom odeljenju srpskih škola po četvero dece žrtve seksualnog nasilja

Emisija: Jutarnji dnevnik

Tema: Incest trauma centar

## U svakom odeljenju srpskih škola po četvero dece žrtve seksualnog nasilja



Na Evropski dan protiv seksualnog nasilja nad decom, u Srbiji zabrinjavajuća statistika – u svakom odeljenju srpskih škola po četvero dece uzrasta od 10 do 18 godina preživelo je neki vid seksualnog nasilja. Zato će ta tema od sledeće nedelje ući u redovan plan i program vrtića i škola, najavljuju Ministarstvo prosvete i Incest trauma centar. A kako najmlađe zaštititi i od drugih vidova zlostavljanja i zanemarivanja – govoriće se naredna tri dana, koja su posvećena pravima dece. Tamo gde bi trebalo da se osećaju najsigurnije, mališani često doživljavaju neprijatna iskustva. U svojoj kući, svako četvrto dete trpi neki vid nasilja, pokazuju podaci Unicefa. "Mislim da ne postoji svest o tome. Nasilje se dešava jer u društvu, u porodicama ljudi ne shvataju da povređuju dete. Oni misle da ga tako odgajaju i vaspitavaju, ali roditelji ne moraju nužno da ga kažnjavaju fizički", ističe direktor kancelarije Unicefa u Srbiji Mišel Sen Lo. O nasilju deca govore nerado, a najteže pričaju o seksualnom zlostavljanju. Dok progovore prođu i godine, zato je jedan od važnijih pomaka to što krivično delo seksualnog zlostavljanja maloletnika ne zastareva.



Međutim, još treba raditi na tome da nadležni više koriste zakonske mogućnosti kojim bi deci mogli da olakšaju teške trenutke. "Iako zakon daje mogućnost da se deca saslušavaju u posebno opremljenim prostorijama, skrin sobama u kojima se ne susreću sa nasilnikom, treba da pokušamo da dete najviše jednom ili dva puta saslušamo, da ono ne ponavlja šta mu se dešavalo. Svaki put imamo situaciju da Centar za socijalni rad pita dete, pa policija, pa tužilaštvo – pa dođete u sud. Imali smo situaciju kada je dete sedam puta saslušavano", ukazuje zamenica zaštitnika građana Gordana Stevanović. I kada žele da prijave nasilje, deca ne znaju kome i kako da se obrate. Polovina mališana ni sa kim nikada nije razgovarala o seksualnom nasilju. Zbog toga je važno da se o njemu uči od malih nogu, napominju u Incest trauma centru. "Prvi put tema seksualnog nasilja nad decom ulazi od vrtića do fakulteta u redovni, postojeći nastavni plan i program. Deca od tri pa do 18 godina od sledeće nedelje imaju resurse, znači njihovi nastavnici, vaspitači će u okviru 10 predmeta, što se tiče škola u redovnom postojećem nastavnom planu, učiti o ovoj temi", ukazuje Dušica Popadić iz Incest trauma centra. Ni ta saznanja ne vrede mnogo ukoliko izostane podrška nadležnih institucija. Upućeni upozoravaju da čak i organi koji kontrolišu da li sistem pravilno reaguje na nasilje, neretko ni sami ne znaju kako da prepoznaju problem.



## Presentation of Educational Packs for preventing child sexual abuse

### LET US BREAK THE SILENCE



The 2015 National Study has revealed that in every classroom in Serbia, four children have survived sexual abuse. The Packs for kindergartens, primary and secondary schools contain the syllabi, teaching units and lessons in 10 school subjects. A minimum of two lessons during a school year has been planned, as part of the regular curriculum and syllabi.

*\*Prosvetni pregled (Educational Review) is the official bulletin of the Ministry of Education, Science and the Technological Development. (E)*



Datum: 01.12.2016

Novina: Prosvetni pregled

Autor: Mila Vuković

Naslov: Прекинимо ћутање

Strana: 4

Rubrika: Ostalo

Tema: Incest trauma centar



ПРЕДСТАВЉЕНИ ОБРАЗОВНИ ПАКЕТИ ЗА СПРЕЧАВАЊЕ СЕКСУАЛНОГ НАСИЉА НАД ДЕЦОМ

# Прекинимо ћутање

**Национална студија из 2015. године показала је да је у свакој учионици у Србији четворо деце претрпело сексуално насиље. Пакети за вртиће, основне и средње школе садрже наставне јединице, лекције и часове за 10 предмета. Предвиђено је минимум два часа током школске године, али у оквиру редовног плана и програма**

Спречавање сексуалног насиља над децом постало је тема о којој ће се говорити у вртићима и школама, и то у оквиру редовног плана и програма. Предвиђена су минимум два часа током школске године, али кроз већ постојеће предмете. Реч је о образовним пакетима који су као резултат деловања Инцест траума центра и Министарства просвете, науке и технолошког развоја протекле недеље представљени у Ректорату Београдског универзитета, а поводом обележавања Европског дана против сексуалног насиља над децом. Пакети садрже наставне јединице, лекције и часове за 10 предмета, међу којима су Српски језик, Свет око нас, Природа и друштво, Физичко, Музичко и Грађанско васпитање, Биологија, Социологија, Устав и права грађана и Психологија. У изради овог образовног материјала, који прати написана припрема за 62 часа и 13 стручних текстова за наставнике, учествовало је чак 27 стручњака, људи из праксе.

Подсећајући да је иницијативу за увођење теме сексуалног насиља над децом, „Од вртића до факултета учимо да се одупремо сексуалном насиљу“, Инцест траума центар Београд отпочео још 2007. године, директорка Душица Попадић је указала на поразујући статистички податак да свака трећа девојчица и сваки седми дечак у Србији до своје 18. године доживи неку врсту сексуалног насиља.

– Заједно са Женском парламентарном мрежом и службом Заштитника грађана успели смо да пре три године издејствујемо укидање заступања сексуалних деликата над децом, чиме је Србија, после Велике Британије, постала друга земља у Европи са овом законском мером којом су препознати дугорочни ефекти сек-

суалне трауме – истакла је Попадић, и додала да је Инцест траума центар у партнерству са Министарством просвете урадио и прву Националну студију о друштвеном проблему сексуалног злостављања деце, као и прву Стратегију у образовању за спречавање овог девијантног понашања. Велику подршку, нарочито око реализације образовних пакета пружила је и Канадска амбасада.

Иако веома задовољан овом законском мером, Мехо Омеровић, председник Одбора за људска и мањинска права Скупштине Србије, истакао је да без промене свести и вредносног система сваки закон остаје мртво слово на папиру, али је зато најбоље да се о томе учи у школи, у окружењу које промовише толеранцију и заштиту. Критикујући медије који, према његовим речима, оваквим догађајима приступају сензационалистички, Омеровић је иронично упитао да ли је то њихов допринос заштити насиља над децом или повећању тиража. По мишљењу Гордане Стевановић, заменице Заштитника грађана, право питање је заправо ко контролише рад медија и шта је предузето у том правцу. Она је, такође, указала на недостатак знања и вештина како би се правилно приступило сексуално злостављаном детету. Да они који раде са децом морају бити посвећени и одговорни увек, а нарочито када се деси сексуално насиље, нагласила је Биљана Лајовић, координаторка Јединице за превенцију насиља у Министарству просвете, и додала да је ово тема о којој може да се прича одавде до вечности, јер нас дира дубоко и људски. Лајовић је позвала све који раде са децом да се прихвате ових образовних пакета у којима ће пронаћи упутство за препознавање, реаговање, спречавање сексуалног насиља и интервен-

цију када дете исприча да је изложено овој врсти злостављања.

Представљајући образовни пакет за вртиће, ауторка др Љиљана Богавац је казала да је он подељен на три дела у зависности од узраста деце. Кроз бојанку, уводи децу у тему, тако да прва слика говори о чулима и почиње од додира...

– Ако осете да нешто није добро, малишани томе треба да верују и неке саопште. Кроз песмицу, долазе до сазнања да је њихово тело само њихово и ако их неко, примера ради, пољуби за лаку ноћ, важно питање које треба себи да поставе је како се осећају, добро или лоше и да то обавезно кажу некој особи – објаснила је Богавац, и додала да је овај образовни садржај игрован, забаван и направљен тако да могу да га користе не само васпитачи већ и баке, ујне, тетке, маме, тате...

На скупу су се чуле и констатације да свако дете има право да буде заштићено од сваке врсте злостављања, као и да је препознавање и реаговање на насиље у директној вези са самопоуздањем. Национална студија из 2015. године је показала да је у свакој учионици у Србији четворо деце претрпело сексуално насиље. Према речима Љиљане Јовић, ауторке садржаја за Грађанско васпитање, наставници се тешко усуђују да причају о овој теми и зато су ови образовни пакети неопходни.

– Петаци су ми недавно рекли да до сада нису знали шта је сексуално насиље, неки су ми рекли да је тема грозна – казала је Јовић, и поручила колегама да својом причом и понашањем покажу деци да злостављач треба да буде кажњен.

Према речима Снежане Ракић, стручног сарадника и наставника грађанског васпитања, сексуално на-

## PREVENTION OF CHILD SEXUAL ABUSE



The topic of child sexual abuse will be introduced into the regular curriculum and syllabi of kindergartens, primary and secondary schools, and on Friday, 16th November, in the preschool institution "Poletarac" in Nova Pazova ... Educational Pack covering this problem area ... was presented ... at the initiative of the Incest Trauma Center – Belgrade and the Ministry of Education. (E)



Datum: 21.12.2016

Novina: M novine

Autor: N.N.

Naslov: Превенција насиља над децом

Strana: 14

Rubrika: Ostalo

Tema: Incest trauma centar



### НОВА ПАЗОВА

## Превенција насиља над децом

Тема сексуалног насиља над децом биће уведена у редован наставни план и програм у вртићима, основним и средњим школама, а у петак, 16. новембра је у Предшколској установи „Полетарац“ у Новој Пазови представљен пројекат „Превенција сексуалног насиља над децом“, образовни пакет којим ће ова проблематика бити покривена. Презентација и предавање одржани су за васпитаче у предшколским установама у јужнобачком и сремском округу. Циљ пројекта је научити децу, али и васпитаче и наставнике како да препознају, реагују и можда спрече насиље, као и како да се понашају када дете обелодани да је изложено сексуалном насиљу. Пројекат обухвата и друге облике насиља, са акцентом на сексуално, а покретачи су Инцест Траума Центар и Министарство просвете.

J. K.



Datum: 22.02.2017

Novina: Blic

Autor: N.N.

Naslov: I vrtići u mreži protiv seksualnog nasilja

Strana: 9

Rubrika: Društvo

Tema: Incest trauma centar



## I vrtići u mreži protiv seksualnog nasilja

Nacionalna mreža škola i vrtića protiv seksualnog nasilja osnovana je juče u saradnji Incest trauma centra – Beograd i Ministarstva prosvete.

Osnivanje ove mreže bilo je neophodno, kako kažu predstavnici Incest trauma centra, jer se često dešavalo da deca čak i kad prijave nasilje čekaju dok se ne preduzme nešto.

Svrha nacionalne mreže za zaposlene u obrazovanju

je, rekli su osnivači, stručno usavršavanje koje doprinosi ličnom i profesionalnom rastu, povezivanje zaposlenih i vaspitno-obrazovnih ustanova na lokalnom i nacionalnom nivou te učenje iz iskustava u regionu.

Veoma je važno, zaključeno je na jučerašnjem osnivačkom danu, da škole i vrtići međusobnim povezivanjem ojačaju prevenciju i zaštitu dece od seksualnog nasilja. A. Đ. ■



Datum: 11.03.2017

Novina: Večernje novosti

Autor: I. Mićević

Naslov: Лекције о сексуалном насиљу

Strana: 4

Rubrika: Društvo

Tema: Incest trauma centar



МИНИСТАРСТВО ШКОЛАМА ПОСЛАЛО ИНСТРУКЦИЈЕ КАКО ДА САЧУВАЈУ УЧЕНИКЕ

# Лекције о сексуалном насиљу

Кроз позната књижевна дела малишани уче да препознају опасност

“ХАСАНАГИНИЦА”, “Антигона”, “Кад су цветале тикве”, “Ружно паче”, “Доживљаји Тома Сојера” – само су нека од књижевних дела помоћу којих наставници треба своје ђаке да упознају са сексуалним насиљем, како да га препознају, спрече или пријаве... Министарство про-

да знају како да се заштите и препознају опасност показало је истраживање које је Министарство просвете радило са Инцест траума центром, међу ученицима узраста од десет до 18 година. Испитиван је репрезентативни узорак од 2.053 ученика из 97 школа широм Србије.



свете послало је школама инструкције како да, кроз лекције из 11 предмета, ученике упозоре на опасност од сексуалног насиља и како да не постану жртве.

Колико је важно да ученици већ од млађих разре-

- Испоставило се да су у сваком разреду четворо деце били жртве неког облика сексуалног насиља, а још четворо зна за неки случај. Од петоро злостављане деце, четири су девојчице – објашњава за “Новости” Смиљана Грујић

## УПОЗОРЕЊА У СВАКОЈ ЛЕКЦИЈИ

На примеру Софоклове “Антигоне” и мита о Едипу предложено је да ученицима буде објашњен појам инцеста. О њему се говори из угла законског и моралног прекршаја, а наставник децу треба и да упозори да одрасли, који касније постану злостављачи, прво успоставе привржен однос са децом, који ће касније злоупотребити. Попут примера “Антигоне”, организовани су часови из свих 11 предмета, а појмови које деца треба да савладају utkани су у лекције о људском телу, друштвеним односима, савременим технологијама...

из Јединице за превенцију насиља Министарства просвете. – Половина жртава је током анкете први пут говорила о свом проблему, а чак 62 одсто није желело да идентификује починиоца. Најчешће место где се насиље догађа је кућа.

У млађем узрасту, деца се поверавају родитељима, док старији тајну откривају пријатељима. Међутим, испоставило се да тек седам одсто људи пријави надлежним органима проблем који им деца повере.

школу направљени пакети наставних јединица, уз помоћ којих деца могу да буду информисана о сексуалном злостављању.

– Не постоји ефикаснија превенција деце од интегрисања садржаја о сексуалном злостављању у редовне наставне програме и редовне уџбенике – објашњава Смиљана Грујић. – Образовне пакете, који су на располагању наставницима, писали су људи из система, који познају добро и ову тематику и на-

” У сваком разреду четворо деце били су жртве неког облика сексуалног насиља

Наша саговорница објашњава да је важно и за децу и за наставнике да знају да сексуално злостављање није само директан физички чин, већ свака врста узнемиравања, ласцивно обраћање, објављивање фотографија уз непримерене коментаре... Због тога су за предшколски узраст, основну и средњу

ставне планове и програме и који су прошли различите врсте обука.

Наша саговорница објашњава да школе треба саме да примењују те садржаје, а да ће од Министарства просвете добити подршку. Уколико је некеме потребно, биће обезбеђена и додатна обука. ■

И. МИЋЕВИЋ

27/03/2017 – TV Pink (national frequency)

## CHILD SEXUAL ABUSE



...The Belgrade Incest Trauma Center and the Ministry of Education, Science and Technological Development have produced Educational Packs for learning about the topic of child sexual abuse, intended for kindergartens, elementary and secondary schools in Serbia .... The discussion focused on the issue through which school subjects primary and secondary school students were to acquire knowledge on how to recognize sexual violence and how to present this topic to preschool children.

12/04/2017 – TV Pink (national frequency)

## New Educational Packs for primary school students met with disapproval



## SCANDAL: INCREDIBLE CLASSES IN SERBIAN KINDERGARTENS

### THREE-YEAR-OLDS LEARN ABOUT SEX!



Controversial: Little ones are being asked to mark parts of their bodies they like or dislike being touched, with the concept of touch bearing sexual innuendo. (N)



Datum: 13.04.2017

Naslov: Decu od tri godine uče o seksu!

Novina: Kurir

Strana: 16

Autor: Ružica Kantar

Rubrika: Društvo

Tema: Incest trauma centar



## SKANDAL NEVEROVATNI ČASOVI U SRPSKIM VRTIĆIMA

# DECU OD TRI GODINE UČE SEKSU!

**Kontroverzno** Od mališana se traži da obeleže delove tela koje vole i koje ne vole da im se dodiruju, s tim što pojam dodirivati ima seksualnu konotaciju

**RUŽICA KANTAR**  
rujica.kantar@kurir.rs

**Mališani od tri do pet godina uskoro će u vrtićima učiti o seksu i delovima tela koje je prijatno i neprijatno dodirivati!**

Grupa za zaštitu od nasilja i diskriminacije pri Ministarstvu prosvete, vrtićima i školama poslala je stručno uputstvo koje je uradila u saradnji sa NVO Incest trauma centar, a u vezi sa učenjem dece o problemu seksualnog nasilja. Ovo uputstvo izazvalo je brojne polemike.

#### Bake i seksualno nasilje

- Delovi tela koji su pokriveni donjim rubljem ili kupaćim kostimom se nazivaju: privatni delovi. Oni pripadaju samo tebi i imaš pravo da kažeš „ne“ kad te dodiruju po njima. Učimo naglas svi: Moje telo pripa-

da meni, nije tvoje od glave do pete, tražim da me pošujete! - jedna je od lekcija koju deca u vrtiću treba da savladaju.

Zatim, na 30. strani, istaknut je crtež golih devojčice i dečaka, a od deteta se traži da obeleži gde voli, a gde ne voli da ga „dodiruju“.

- Dete od tri, četiri ili pet godina biće, u najmanju ruku, zbunjeno ovakvom „nastavom“. Naime, sastavljači paketa reč „dodirivati“ koristili su prvenstveno u seksualnom smislu. Dete koje nije bilo žrtva seksualnog nasilja sigurno neće razumeti takvo značenje reči „dodirivati“. Pogotovo će biti zbunjeno kada bude trebalo onu važnu mudrost - „moje telo pripada meni“ nekome da saopšti. I to kome - roditelju dok mu pere guzu ili kosu - komentariše sociolog i politikolog Slobodan Antić, i dodaje i da nije u

redu učiti tako malu decu da je „seksualno nasilje“ kada ih bake ili tetke s ljubavlju „cmaču“.

#### Društvo remeti porodicu

Psihijatar dr Milan Milić smatra da program nije prilagođen deci našeg kulturološkog podneblja: - Nije u skladu sa našim shvatanjem porodice i sveta. Deca bi mogla da budu veoma zbunjena sadržajem koji nije namenjen njihovom uzrastu i koji roditelji koji nisu tako vaspitavani ne bi mogli da im približe. Evidentno je preterano uplitanje društva u porodicu, kojoj se nameću neke vrednosti i ponašanja, što predstavlja uplitanje u najdublju intimu.

**DR MILIC: DECA MOGU DA BUDU VEOMA ZBUNJENA SADRŽAJEM KOJI NIJE NAMENJEN NJIHOVOM UZRASTU**



## Школски приручник за промоцију хомосексуализма



Миша  
Ђурковић\*

Када је прошлог новембра, по хитном поступку, без јавне расправе, усвајан такозвани Закон о заштити од насиља у породици, указао сам на то да ће он бити искоришћен за даље разарање породице и породичних односа у Србији. У земљи у којој је просечна старост 43 године и у којој се с правом кука да одумиремо као нација, донет је још један закон који стимулише ступање у брак и заснивање породице. Но, доношење овог закона је искоришћено и као одскочна даска да се у просветни систем Србије провуку и разне друге ствари које с темом насиља у породици углавном немају ништа заједничко.

У последњих десетак дана инбокс ми је затрпан мејловима колега и забринутих родитеља који извештавају о новом лудилу које је наше Министарство просвете дозволило и подстакло. Под окриљем поменутог закона припремљен је читав сет мера и приручника који наводно треба да послуже за његово спровођење у школама. У сарадњи са НВО Инцест траума центар и другим регионалним играчима, припремљени су такозвани образовни пакети који се уз одговарајућа упутства могу наћи на сајту министарства. Замишљено је да се ови образовни пакети примењују кроз цео школски систем. Припремљени су посебни приручници за ову врсту наставе кроз десетак предмета, а учитељима и наставницима је стигла инструкција да се ова врста „наставе“ убације уместо редовних часова.

Кад се међутим отворе ове позамашне књиге уочава се да је такозвана борба против насиља у породици за-

право замишљена и реализована као борба за промоцију хомосексуализма и порнографије, за подстицање дечје сексуалности и експеримената у том пољу, као и за опањкавање традиционалне породице. Око 50 одсто материјала промовише хомосексуализам и порнографију.

У приручнику за биологију деца могу да науче како се правилно изводи француски пољубац. А на питање: „Да ли је тачно да постоје мушки и женски кондом?“ даје се одговор: „И девојке које воле девојке користе заштиту кад воде љубав. Некада је важно имати у виду да се жене лезбијске оријентације можда нису увек идентификовале као лезбијке, те имају и своју сексуалну предисторију као 'стрејт' особе. У оквиру лезбијског љубавног односа, средство заштите су фолије од латекса или полиуретанске (врло танке, од меке пластике), квадратног облика, које се користе да се покрију женске гениталије или анус током оралног секса. Помажу као баријера да се спрече полно преносиве болести“. Затим се детаљно описују орални и анални секс и оргазам. Ауторка овог приручника урађеног под окриљем Инцест траума центар је Душица Попадић, дугогодишњи сарадник лезбијске организације Лабрис.

Кроз ове приручнике увлачи се још један левичарски идеолошки манипулативни инструмент, о коме смо такође овде недавно писали – подела на пол и род. Ауторима је стало да се пол као физичка ствар потпуно одвоји од рода који је наводно чиста социјална конструкција. То значи да се свако дете подстиче да „бира род“, односно експериментише са својом сексуалношћу. Постоје бројни делови приручника који подстичу на прихватање мушкарца који носи сукњу као најнормалнију ствар, па описи Аце који нема проблем што му се свиђају дечаки и што са 17 година практикује бисексуалност, већ је његов проблем што отац не прихвата његово право на избор. Религија се одређује као један од основних извора мушког насиља над женама, а мастурбација се препоручује као нешто сасвим природно и потребно. Де-

ци се објашњава да су сексуалност и сексуални избор динамичне и несталне категорије које стално треба преиспитивати итд.

Постоје ту и невероватне пропаганде бројке које тврде да у сваком школском одељењу у Србији постоје четири детета која су преживела одређени вид сексуалног насиља и још четири детета која познају некога коме се то догодило. У овом тренутку, тврде аутори, двоје деце из сваког школског одељења изложено је сексуалном насиљу.

На крају треба рећи да на питање да ли је породица сигурно место, аутори одговарају да је породични дом у ствари најопасније место у данашњем друштву!

Е сад ми решите шта ја и сви ови забринуте родитељи који су ми се јавили да радимо? Имам сина од осам година и ћерку од четири који ускоро треба да слушају ове скарадности и да постану жртве хомосексуалне пропаганде, испирања мозга и чистих лажи. Ја сам хришћанин, и имам права и по Уставу и по Конвенцији о правима детета да своју децу васпитавам и школујем у складу са сопственим уверењима. Овим приручницима се директно крше

та моја уставна права. И над мојом децом и мојом породицом под окриљем просветног система од септембра ће као обавезно почети да се примењује противуставно насиље.

Срби нису насилан народ. Но постоје границе кад се зулум и насиље које моћници примењују над нама и нашом породицом више не могу трпети. Са законом о мандаторној вакцинацији, законом о насиљу у породици и овим сатанистичким „образовним пакетима“ тој граници смо се опасно приближили. Но, прво бих волео да чујем од надлежног министра зна ли он уопште за ово и стоји ли иза овакве „образовне политике“?

\*Научни саветник, Институт за европске студије

На питање: „Чему служи женски кондом?“ даје се одговор: „И девојке које воле девојке користе заштиту кад воде љубав“

How under the cloak of prevention of sexual violence Educational Packs were introduced into the syllabi, promoting homosexual ideology in the most odious way, what are the secret agendas, and how the Ministry of Education happened to be among the publishers



Datum: 14.04.2017

Novina: **Pečat**

Autor: Vladimir  
Dimitrijević

Naslov: PORNOGRAFIJA ZA  
MLAĐE OD 12 GODINA

Strana: 57

Rubrika: Ostalo

Tema: Incest trauma centar



**В**аспитачи и просветни радници Србије били су затечени када је на адресе њихових установа ових дана почело да стиже од Министарства просвете адресирано „Стручно упутство за примену образовних пакета за учење о теми сексуалног насиља у образовно-васпитним установама“. Упутство почиње паничним исказом о томе како је утврђено да је међу децом од 10 до 18 година много оних који су преживели неки вид „сексуалног насиља“ (по четворо у одељењу, а двоје је чуло за такве случајеве), због чега „образовни пакети о теми сексуалног насиља над децом постају део редовног постојећег националног курикулаума, односно наставног плана и програма“. Дата је и адреса с које ови пакети могу да се скину. У оквиру пакета просветарима су понуђени

садржаји за предмете: српски (матерњи) језик, свет око нас, природа и друштво, физичко васпитање и школски спорт, музичко васпитање, грађанско васпитање, биологија, социологија, устав и права грађана, психологија. Ови садржаји се у школама предају из разреда у разред (минимум 75 часова), и саставни су део редовне наставе. У предшколском узрасту треба их остварити кроз петнаест сусрета с децом. Од треће до осамнаесте године наша деца треба да сазнају „све о томе“.

#### **БИОЛОГИЈА НА „ИНЦЕСТ/ТРАУМА/ЛГБТ“ НАЧИН**

Пред нама је, у оквиру овог „пројекта“ Министарства просвете, уџбенички приручник под насловом „Образовни пакет за учење о теми сексуалног насиља над децом за основне и средње школе у Србији“,

под паролом „Од вртића до факултета уз уџбенике из разних предмета, учимо да се одупремо насиљу над децом и женама“. Кључни издавачи су Инцест траума центар из Београда и Министарство просвете, а подршку даје Канадски фонд за локалне иницијативе. Па да мало гвирнемо у пакет за биологију.

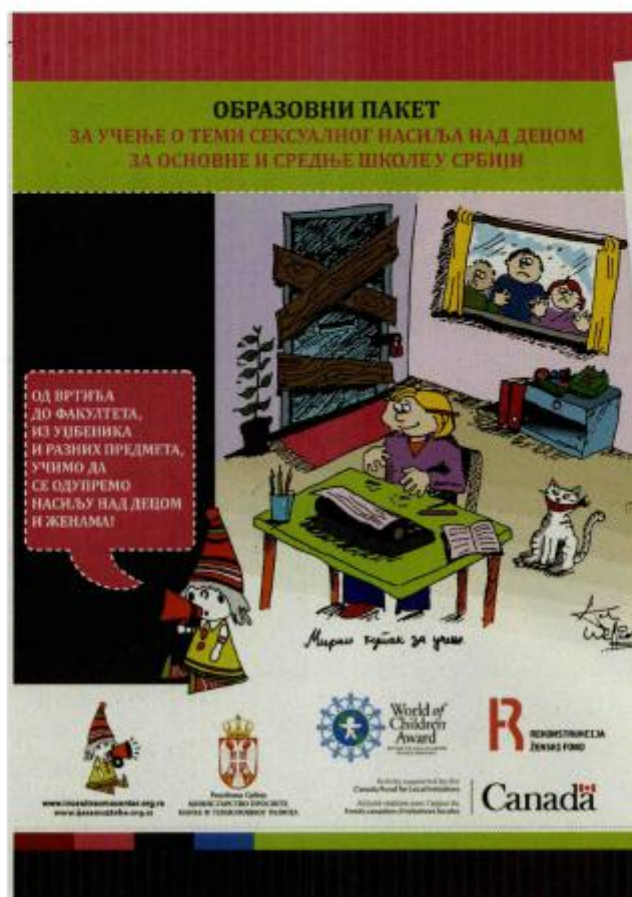
Дакле, учимо биологију на један нови, ЕУ начин.

На страни 346 даје се подрбан одговор на питање: „Како извести француски пољубац?“ На страни 347 имамо причу о женском кондому за лезбејке: „И девојке које воле девојке користе заштиту кад воде љубав. Некада је важно имати у виду да се жене лезбејске оријентације можда нису увек идентификовале као лезбејке, те имају и своју сексуалну историју као „стрейт“ особе. У оквиру лезбејског љубавног

односа, средство заштите су фолије од латекса или полнуретанске (врло танке, од меке пластике), квадратног облика, које се користе да се покрију женске гениталије или анус током оралног секса. Помажу као баријера да се спрече полно преносиве болести.“ Наравно, како је приметио један интернет-аналитичар, ово нема везе са сексуалним насиљем. У ствари, има: приморавање деце на размишљање о лезбејским сексуалним односима је својеврсни вид сексуалног насиља. На странама 346 и 347 описују се орални и анални секс. На страни 347 дат је опис оргазма као из „оних“ прича и романа: ту је хормон среће, ту су контракције, са све потребом да се јеца и виче. На истој страни пише и да мастурбација није штетна него да могу – и треба, што да не – да је упражњавају и младићи и

девојке. (Наравно, савремена наука учи сасвим супротно. Мастурбација изазива разне штетне последице, попут сексуалне дисфункције, умањеног квалитета семена и депресије. Постоји читав низ озбиљних научних радова који ово доказују – нарочито је штетна мастурбација повезана с порнографијом, један од кључних узрока импотенције код младих мушкараца.) На страни 348 су цртежи на којима се љубе дечак и девојчица и две девојчице. Ту видимо и дечака који поклања другом дечаку букет цвећа. Једном потенцијалном младом „геју“ аутори поручују: „Прати своја осећања и потребе, немој да их се плашиш или стидиш, заљубљеност и љубав су драгоцене осећања. Шта би ти на ово исто питање одговорио твој 'стрејт' другу који ти се повери да му се свиђа другарица из одељења? То су иста осећања.“ На странама 348–350 наше друштво је описано као хомофобично и насилно према „ЛГБТ заједници“, а на странама 352–354 се рекламира Инцест траума центар из Београда (чија је скривена агенда, по свему судећи: „Бежите од инцеста у ЛГБТ покрет!“)

**ПОУЧНО, НЕМА ШТА** На страни 355 имамо једну „врхућу сцену“: „Божа је завукао руку испод Тинине блузе, почео да откопчава и скида брусхалтер. Њој су били пријатни додирни, мажење и љубљење. Уживала је у тој страсти и топлини. Тек кад је почео да завлачи руку у њене гаћице, осетила је непријатност, хтела је да га прекине. Отворила је очи и видела изнад себе Божу, свог узбуђеног и ван себе од страсти.“ Шта би нам на овај убојенички материјал рекао Кривични закон Републике Србије, члан 185, став 1: „Ко малолетнику прода, прикаже или јавним излагањем или на други начин учини доступним текстове, слике, аудио-визуелне или друге предмете порнографске садржине или му прикаже порнографску представу, казниће се новчаном казном или затвором до шест месеци.“



**Издавачи су Инцест траума центар из Београда и Министарство просвете, а подршку даје Канадски фонд за локалне иницијативе**

Једна од ауторки овог слатког пакетића за биологију је Душица Попадић, за коју у уџбенику пише (страна 356): „Душица Попадић, Инцест траума центар – Београд. Чланци су производ дугогодишњег рада ауторке кроз: 1. пружање психолошке асистенције девојкама и женама лезбејске оријентације (саветовалиште: веб, разговори 1 на 1 и групе подршке), 2. едукативне програме из области различитости за бројне женске и мешовите невладине организације, запослене у здравственим и васпитно-образовним установама и медијским кућама. У периоду 2003–2008. је установила и водила психолошко саветовалиште организације за лезбејска људска права 'Лабрис' из Београда.“

У борби против „родно заснованог насиља“ добили смо и *Care and Young Men Initiative* приручник „Програм Y/ Млади – иновативни приступи у превенцији родно заснованог насиља и промоцији здравих животних стилова младића и девојака“, где, између осталог, пише: „Хаљине и сукње за мушкарце – мушкарац који хода уликом у нашем региону у хаљини или сукњи било које врсте ће добити негативне коментаре, можда ће га чак и напасти што није 'мушкарац' или због његове претпостављене сексуалности. Ти исти људи обично немају проблем што свештеници носе одоре, или 'хаљине' које носе мушкарци у неким деловима света (нпр. Индија), или сукње (килтови у Шкотској)“. Овај исти приручник нуди и једну радионицу где се локалним примитивима прича оваква прича: „Са 17 година, Аца је мислио да је бисексуалац. Свиђао му се секс са девојкама и младићима. Једне ноћи његов отац видео га је како глуми другог дечака и када



је Аца дошао кући његов отац је почео да виче на њега.“ Поучно, нема шта!

## THE NAME OF THIS GAME

Не смомо предвидети ни „Приручник за превенцију родно заснованог насиља“, који је издало Министарство просвете у складу са пројектом „Школа без насиља“. Читава књига је утемељена на идејама родног феминизма, које је усвојио Савет Европе у својој Конвенцији о спречавању и борби против насиља над женама и насиља у породици. Тамо јасно и гласно пише да је „род друштвено конструисана дефиниција жене и мушкарца“.

Укратко, жена је предугобила робинја, и сад ће је „гендер идеологија“ усрећити, сасвим у складу с бојним покличем Симон де Бовоар: „Ниједној жени не треба одобрити да остане код куће и подиже децу. Друштво треба да буде потпуно другачије. Жене не треба да имају такав избор, нарочито стога што ако таква могућност постоји, исувише много жена ће се одлучити управо за њу.“

Родно феминизам види мушкарце и жене као две одвојене и непријатељски супротстављене класе, између којих се води „класни рат“, чак до истребења. Мушкост и женскост су друштвене конструкције које треба укинути, макар и генетским нижењерингом. По мишљењу Шуламит Фајерстон, која је 1972. објавила манифест

- Да ли је тачно да постоји мушки и женски кондом? Чему служи женски кондом?

Да, постоје и мушки и женски кондом (презерватив). Оба кондома су механичка контрацептивна средства, која спречавају продирање сперме до јајошица, тј. штите од нежељене трудноће у 95% - 98% случајева. Поред тога, и мушки и женски кондом су најделотворнији начин спречавања болести које се преносе полним путем. Оба кондома се израђују од врло танког латекса или силикона. Жене користе женски кондом како не би морале да се ослањају на мушкарца у заштити од нежељене трудноће. Нажалост, за сада, женски кондом се не може купити у Србији.

И девојке које воле девојке користе заштиту кад воде љубав. Некада је важно имати у виду да се жене лезбејске оријентације можда нису увек идентификовале као лезбејке, те имају и своју сексуалну предисторију као „стрейт“ особе. У оквиру лезбејског љубавног односа, средство заштите су фолије од латекса или полиуретанске (врло танке, од меке пластике), квадратног облика, које се користе да се покрију женске гениталије или анус током оралног секса. Пomaжу као баријера да се спрече полна преносиве болести.

Особа свих сексуалних оријентација увек треба да воде рачуна да избегавају орални секс ако имају било какве посекотине или ранце у устима или на уснама.

На страни 347 дата је прича о женском кондому за лезбејке: „У оквиру лезбејског љубавног односа, средство заштите су фолије од латекса или полиуретанске (врло танке, од меке пластике), квадратног облика, које се користе да се покрију женске гениталије или анус током оралног секса“

## Личне и социјалне последице оваквог програма могу бити несагледиве

радикалног феминизма, књигу „Дијалектика пола: разлог за феминистичку револуцију“, трудноћа, дојење и емоционална везаност за децу, као и месечни одлив, чини жену заиста биолошки слабијом од мушкарца. Зато она предлаже да се у људској врсти развије партенотеза, као код „лисних ваши“, а жене треба да схвате да је „трудноћа варварска“. Завршни циљ феминистичке револуције је андрогина цивилизација. Како ће се у њој живети? То ће, по речима Фајерстонове, бити друштво „природне полиморфне сексуалности“, где ће деца уживати у „гениталном сексу“ с другом децом и одраслима, а и „табу инцеста“ био би укинут: „Ако би оно изабрало да сексуално општи са одраслима, чак и ако би оно одабрало своју сопствену генетску мајку, не би постојали а priori разлози за њу да одбије његову сексуалну понуду, пошто би табу инцеста изгубио своју функцију.“ Радикална феминисткиња Дона Харавеј пак сматра да је време да настане друштво киборга, који неће заирати „од свог сродства са животињама и машинама“...

А 2013. године бивша новинарка руског издавања америчког „Радија Слобода“, велика „борка“ против Владимира Путина и ЛГБТ револуционарка Маша Хесен рекла је на једном скупу у Сиднеју да је главни циљ њиховог покрета укидање породице као такве: „Породица не треба даље да постоји у

класичном облику. Борба хомосексуалаца 'за брак' обично крије оно шта планирамо да урадимо супружанском пару када постигнемо циљ. Приче о томе, да институција породице неће претрпети никакве измене и промене, нису истините.“ Да би илустровала потребу елиминисања породице, она је као пример навела своју „породицу“, где троје деце имају петоро одраслих родитеља, који их гаје и подижу. Маша Хесен каже да „жели да живи у таквом правном систему који ће имати способност да легализује ту реалност, тако да се не слаже са институцијом брака и породице“!

**КО СТОЈИ ИЗА ОБРАЗОВНЕ ПОЛИТИКЕ?** Дакле, почиње са законима о родној равноправности, а треба да се заврши друштвом у коме нема табуа инцеста и у коме је педофилија нормална, да би се окончао тријумф киборга.

Др Немања Зарић, председник Центра за заштиту поро-

дице, каже о ономе што нам се дешава: „Само површним прегледом материјала, водича и образовних пакета за примену ових програма у вртићима, основним и средњим школама јасно се уочава права намера аутора. Под плаштом превенције сексуалног насиља у наш образовни систем се уводе екстремни индивидуализам, промоција идеологије хомосексуализма и феминизам у његовом најгорем облику. Материјали су потпуно лишени вредносног суда, ни на једном месту се не препоручују здрави стилови живота (брак, породица...) нити се не критикују и осуђују нездраве праксе (орални, анални секс...). Јасно је да ови материјали који се на мала врата уводе у систем индоктринације наше деце представљају наставак пропаганде започете чувеним уџбеником 'Здравствено васпитање о репродуктивном здрављу' објављеним пре неколико година који смо опсежно критиковали. Наравно, поново се грубо нарушава право родитеља да одлучују о образовању и васпитању сопствене деце у складу са својим уверењима, што је људско право загарантовано Универзалном декларацијом о људским правима УН (члан 26, став 3) и другим међународним документима.

Личне и социјалне последице оваквог програма ће бити несагледиве, те је од пресудне

важности да најпре као родитељи подигнемо свој глас против нарушавања наших права и насилне индоктринације наше деце.“

Миша Ђурковић, филозоф и истраживач „ратова у култури“ поставља неколико логичних питања: „Имам сина од осам година и ћерку од четири који ускоро треба да слушају ове скаредности и да постану жртве хомосексуалне пропаганде, испирања мозга и чистих лажи. Ја сам хришћанин, и имам права и по Уставу и по Конвенцији о правима детета да своју децу васпитавам и школујем у складу са сопственим уверењима. Овим приручницима се директно крше та моја уставна права и над мојом децом и мојом породицом под окриљем просветног система од септембра ће као обавезно почети да се примењује противуставно насиље.“

Срби нису насилан народ. Но постоје границе када се злудом и насиљем које моћници примењују над нама и нашем породицом више не могу трпети. Са законом о мандаторној вакцинацији, законом о насиљу у породици и овим сатанистичким 'образовним пакетима' тој граници смо се опасно приближили. Но прво бих волео да чујем од надлежног министра зна ли он уопште за ово и стоји ли иза овакве 'образовне политике'?"

Тим питањем завршавамо овај чланак. ●

## PERVERTED LESSONS FOR STUDENTS



Anything for money

It will get worse



Datum: 20.04.2017

Novina: Vesti - Frankfurt

Autor: N.N.

Naslov: Izopačene lekcije đacima

Strana: 3

Rubrika: Ostalo

Tema: Incest trauma centar



### MINISTARSTVO PROSVETE UVELO U PROGRAM SEKSUALNE TEHNIKE

# Izopačene lekcije đacima

Ministarstvo prosvete u februaru je uputilo pismo direktorima predškolskih ustanova, osnovnih i srednjih škola s linkovima za preuzimanje Stručnog uputstva za primenu Obrazovnih paketa koji će se ugraditi u čak devet predmeta. Tako će nastavnici morati da uče decu kako se izvodi francuski poljubac, uz detaljan opis odnosa između mladića i devojke, koji po kritičarima predstavlja pornografski sadržaj. Ali i uz precizno objašnjenje oralnog i analnog seksa i uputstvo upotrebe ženskog kondoma za lezbijke, uz ilustracije dve devojke u ljubavnom zanosu.

Autor Obrazovnog paketa je nevladina organizacija (NVO) Incest trauma centar, a prihvatala ga je Grupa za zaštitu od nasilja i diskriminacije Ministarstva prosvete, nauke i tehnološkog razvoja. Priručnik za predškolske ustanove ima 153 strane, a za školske oko 400.

Pokret Dveri je zbog ovoga tražio smenu ministra prosvete Mladena Šarčevića, a psihoterapeut dr Zoran Milivojević misli da je Ministarstvo izmanipulisano.



### Sve za pure

Milivojević navodi da NVO za promociju određenih stvari dobijaju novac. Ali, smatra da je neprihvatljivo da to prođe kroz Ministarstvo bez filtera i nametne se celom školskom sistemu u Srbiji. S obzirom na to da je priručnik veoma obiman, Milivojević ne veruje da ga je u Ministarstvu neko pročitao. Stoga očekuje da ministar pozove svoje saradnike na odgovornost.



SA STRANE 348: Ljube se devojčice, a ljube se i dečaci

- Na prvi pogled, u redu je da učimo decu da ne budu žrtve seksualnog nasilja. Ali onda ispod površine vidimo da tu postoje neke druge poruke sa kojima se većina ljudi iz moje struke ne slaže - navodi Milivojević.

On kaže da je reč o ideološkoj struji koja godinama gura određene stvari za koje on i neke njegove kolege misle da nisu dobre ni za decu, ni za roditelje u Srbiji.

- Ako neko želi da promeni stav odrasle osobe, to vrlo teško ide.

Ali ako želite da nametnete stav deci u ranom uzrastu koja nemaju izgrađen odnos, onda vi utičete ne to kako će društvo izgledati za 20 godina - upozorava Milivojević.

On smatra da je na delu jasna ideja da decu treba spasti od roditelja tlačitelja, što vodi rastakanju porodice koja je već nestabilna, na šta ukazuju i veliki broj razvoda.

FOTO: MC RS



KONFUZIJA U GLAVAMA: Slobodan Antonić

SLOBODAN ANTONIĆ: NASILJE NAD DECOM

## Biće još gore

Sociolog Slobodan Antonić ukazuje da deca od tri godine ne mogu da razumeju seksualno značenje reči dodirivati, pa je besmisleno učiti ih kroz priručnik da mogu svakome, pa i roditeljima, da kažu "moje telo pripada meni".

- To im u glavama stvara konfuziju. Da li je to nasilno uvođenje dece u svet seksualnosti i odraslih, pa i u svet patologije? I nije li upravo to nasilje nad decom u ime borbe protiv nasilja - pita Antonić.

On navodi da Ministarstvo prosvete valjda veruje da bi deca u cilju zaštite od nekakvog nasilja trebalo da se podučavaju i seksualnim tehnikama.

- Zasad se zadržalo samo na oralnom i analnom seksu. Ali, hoće li već sutra deca učiti i o grupnom i sado-mazo seksu, svingu i ostalim vrstama "normalnih seksualnih aktivnosti" koje su, prema našem Ministarstvu, u redu ako su proizvod dogovora osoba koje vode ljubav - kaže Antonić.



Datum: 21.04.2017

Novina: **Politika**

Autor: Jelena Popadić

Naslov: Одговоре о сексу  
суфлирала Европа

Strana: 1

Rubrika: Društvo

Tema: Incest trauma centar



стр. 8



Datum: 21.04.2017

Novina: **Politika**

Autor: Jelena Popadić

Naslov: Одговоре о сексу  
суфлирала Европа

Strana: 1

Rubrika: Društvo

Tema: Incest trauma centar



Деца су до четврте године несвесна разлике међу половима, тако да сексуално васпитање у вртићима може довести до њихове преране сексуализације. Због претераног занимања за секс или полне органе могу постати жртве педофила, упозорава психотерапеут Зоран Миливојевић



# Одговоре о сексу суфлирала Европа

Министар  
просвете Младен  
Шарчевић не пориче  
да је из ЕУ утицано  
да се образовни  
пакет за учење  
о сексуалном насиљу  
над децом нађе у  
нашим школама  
и вртићима, али  
истиче да „нама  
не може нико  
да наметне оно  
што нећемо  
да прихватимо  
у целисти”

**О**бразовни пакет за учење о сексуалном насиљу над децом, чији садржај данима изазива оштру полемику у јавности, намењен је искључиво наставницима, изјавио је јуче министар просвете Младен Шарчевић, гостујући на Телевизији Хепи. Како је објаснио, реч је о радном материјалу који је дат на разматрање школским психолозима и педагозима, а деца би требало да догодине добију приручник о сексуалном насиљу.

– Овај образовни пакет је помоћно средство за рад наставника који им, између осталог, помаже да одговоре на одређена дечја питања – изјавио је министар Шарчевић додајући да је овај пројекат резултат покушаја да се осмисли сексуална едукација у школама.

– Ако ћемо и даље деци да објашњавамо сексуално образовање кроз врапце и глисте онда боље да га не уводимо – био је изричит Шарчевић.

Стручњаци у Министарству просвете, рекао је, „одмах су указали да неке ствари не могу да иду у изворном облику и обиму”.

– Поједини садржаји нису прилагођени узрасту деце, а има и поглавља наставног материјала која нису у складу са нашом традицијом и културом. Делови пакета ће бити преуређени, а неки ће бити у потпуности повучени – најавио је Шарчевић.

На питање да ли нам је овај пакет наметнула Европска унија, министар Шарчевић је рекао да неће да каже да није, али да нама не може нико да наметне оно што нећемо

да прихватимо у целисти.

Да подсетимо, образовни пакет око кога се подигла бура недавно је прослеђен директорима вртића, основних и средњих школа, са сугестијом да може бити коришћен у настави десет предмета. На 450 страница наставног материјала, између осталог, објашњено је шта су француски пољубац, мастурбација, анални и орални секс, описане су сексуалне сцене и дат је предлог како одговорити ученику којем се свиђа припадник истог пола.

Психотерапеут Зоран Миливојевић истиче да би Министарство просвете требало да утврди одговорност оних који су допустили да овакав садржај буде прослеђен школама, а нарочито вртићима. Деца су, како каже, до четврте године несвесна разлике међу половима, тако да сексуално васпитање у вртићима може довести до њихове преране сексуализације. Због претеране заинтересованости за секс или полне органе могу постати жртве педофила.

Такође, експлицитни описи секса, па чак и оралног и аналног, могу навести основце да с тим експериментишу, јер у том узрасту желе што пре да уђу у свет одраслих.

Наш саговорник истиче да је за сексуално образовање деце кључна улога родитеља, који имају право да их васпитавају у складу са вредностима у које верују, било да су оне патријархалне или либералне.

– Приручник о коме је реч превише је обојен либералном идеологијом. Сексуално васпитање не би требало да се одваја од љубави, односа међу половима, поштовања свога тела. Наравно да се о овим темама у школама може говорити, као и о контрацепцији и осталим важним питањима, али не на овако непромишљен начин – каже овај стручњак, напомињући да је овде реч о „већ виђеном” сценарију сарадње невладиних организација и надлежних државних инстанци.

– Када НВО активисти наслуте да постоји неки проблем, онда спроводе истраживања којим доказују да је реч о великом проблему. Следећи корак је осмишљавање како би се то по њиховом мишљењу превазишло, а на крају те пројекте нуде ресорним министарствима – тврди Миливојевић.

Образовни пакет који је јуче први пут критиковала и једна парламентарна странка – Двери – затраживши чак и оставку министра Шарчевића, дело је невладине организације Инцест траума центар, у сарадњи са Групом за заштиту од насиља и дискриминације при Министарству просвете. Како је наведено на њиховом сајту, од септембра 2007. кроз разне пројекте реализују иницијативу за увођење теме насиља над децом и женама у национални наставни план и програм. Њихову иницијативу је, тврде, подржало седам школа, једна предшколска установа и два факултета, без навођења о којим образовним установама је реч.

У току јучерашњег дана нико од запослених у овој невладиној организацији није се јављао на телефон, нити је стигао одговор на наша питања упућена мејлом.

**Јелена Попадић**

21/04/2017 – TV N1 (CNN affiliate with coverage in former Yugoslavian countries)

*Incest Trauma Center – Belgrade in studio TV N1*

<http://rs.n1info.com/Vesti/a243616/Seksualno-nasilje-nad-decom-kako-reagovati.html>



O nacionalnoj studiji

## THERE WILL BE NO MODIFICATION OF SYLLABI ON SEXUAL VIOLENCE DISPUTED TEXTBOOKS REMAIN UNCHANGED

.... Reported Public Statement no. 1 of ITC.



Datum: 22.04.2017

Novina: Vesti -  
Frankfurt

Autor: N.N.

Naslov: Ostaju sporni udžbenici

Strana: 5

Rubrika: Ostalo

Tema: Incest trauma centar



NEMA REVIZIJE GRADIVA O SEKSUALNOM NASILJU

# Ostaju sporni udžbenici

Beogradski Incest trauma centar saopštio je, povodom najava revizije Obrazovnih paketa za učenje o temi seksualnog nasilja nad decom, namenjenih vrtićima, osnovnim i srednjim školama, da njihov sadržaj nije moguće revidirati i koristiti u izmenjenom obliku, a da se ne izvrši povreda autorskih prava.

Kako se dodaje, Obrazovni paketi služe da se seksualno nasilje nad decom i mladima spreči tako što oni kroz sadržaje, u celini primerene svom uzrastu, uče o telu i seksualnosti, kako da prepoznaju i odbrane se od seksualnog nasilja, kako da identifikuju odraslu osobu od poverenja i povere joj da im se seksualno nasilje događa.



"Tokom 23 godine svog rada, Incest trauma centar - Beograd je od dece i žena koje su preživele seksualno nasilje naučio da bi u značajnom broju slučajeva seksualna trauma bila sprečena da su navedena znanja postojala. Smatramo da se ne sme čekati da se seksualno nasilje dogodi ili da de te izgubi život što se takođe u našoj zemlji događalo kao posledica seksualnog nasilja", navodi se u saopštenju. ■



The Ministry of Education has decided to withdraw Educational Packs on sexual education from further use. – Upon the announcement issued by the Incest Trauma Center that the Educational Packs intended for learning about the topic of sexual violence are the property of that Center and cannot be revised, we have decided to completely withdraw Educational Packs from use – announced the Ministry.



Datum: 22.04.2017

Novina: Srpski telegraf

Autor: N.N.

Naslov: Povlačimo pakete o seksualnoj edukaciji

Strana: 10

Rubrika: vesti

Tema: Incest trauma centar



#### MINISTARSTVO PROSVETE

### **Povlačimo pakete o seksualnoj edukaciji**

Ministarstvo prosvete odlučilo je da obrazovne pakete o seksualnoj edukaciji povuče iz upotrebe. – Povodom saopštenja Incest trauma centra da su paketi za učenje o temi seksualnog nasilja svojina tog centra i da se ne mogu revidirati, odlučili smo da te obrazovne pakete u potpunosti povučemo iz upotrebe - navedeno je iz ministarstva.



Datum: 22.04.2017

Novina: Politika

Autor: D. Pejović

Naslov: Повучени приручници за  
сексуално образовање

Strana: 1

Rubrika: Društvo

Tema: Incest trauma centar



## Повучени приручници за сексуално образовање стр. 7

# Повучени приручници за сексуално образовање

**М**инистарство просвете одлучило је да повуче из употребе Образовне пакете за учење о сексуалном насиљу над децом. Како се наводи у саопштењу, одлучено је да се у наредном периоду формира тим стручњака, децијих психолога и педагога, који ће израдити нови помоћни материјал за наставнике и васпитаче, намењен превенцији и спречавању сексуалног насиља над децом.

„Током рада нови тим ће се у потпуности придржавати критеријума узраста детета и карактеристика ширег контекста у којем дете, односно ученик, одраста, наравно уз уважавање принципа нулте толеранције према било ком облику насиља“, наводи се у саопштењу.

Оваква одлука, како се прецизира, уследила је после саопштења Инцест траума центра да су Образовни пакети њихова својина и да се не могу ревидирати, а да се не повреде ауторска права.

Ово је епилог случаја који је последње две недеље био у фокусу јавности. Подсетимо, „бура“ у медијима и на друштвеним мрежама се подигла после текста „Школски приручник за промоцију хомосексуализма“, објављеног у „Политици“. Аутор Миша Ђурковић, научни саветник у Институту за европске студије, указао је да се тим Образовним пакетима, намењеним вртићима, основним и средњим школама, заправо пропагира порнографија и да се деца подстичу да експериментишу на пољу сексуалности. Из стручних кругова су уследиле и критике делова садржаја који нису примерни нашој култури и традицији. Указано је и на крајње проблематичне ставове, попут оног да је „породица најопасније место у модерном друштву“...

Министарство просвете је 19. априла саопштило да ће ови Образовни пакети бити кориговани и прилагођени узрасту деце, култури и традицији народа који живе у Србији. Дан касније, ресорни министар Младен Шарчевић је гостујући на телевизији Хепи прецизирао да ће „дело-

ви Образовних пакета бити преуређени, а неки у потпуности повучени“.

Управо таква ревизија, како је наглашено у обраћању јавности Инцест траума центра, „није могућа, а да се не повреде ауторска права“.

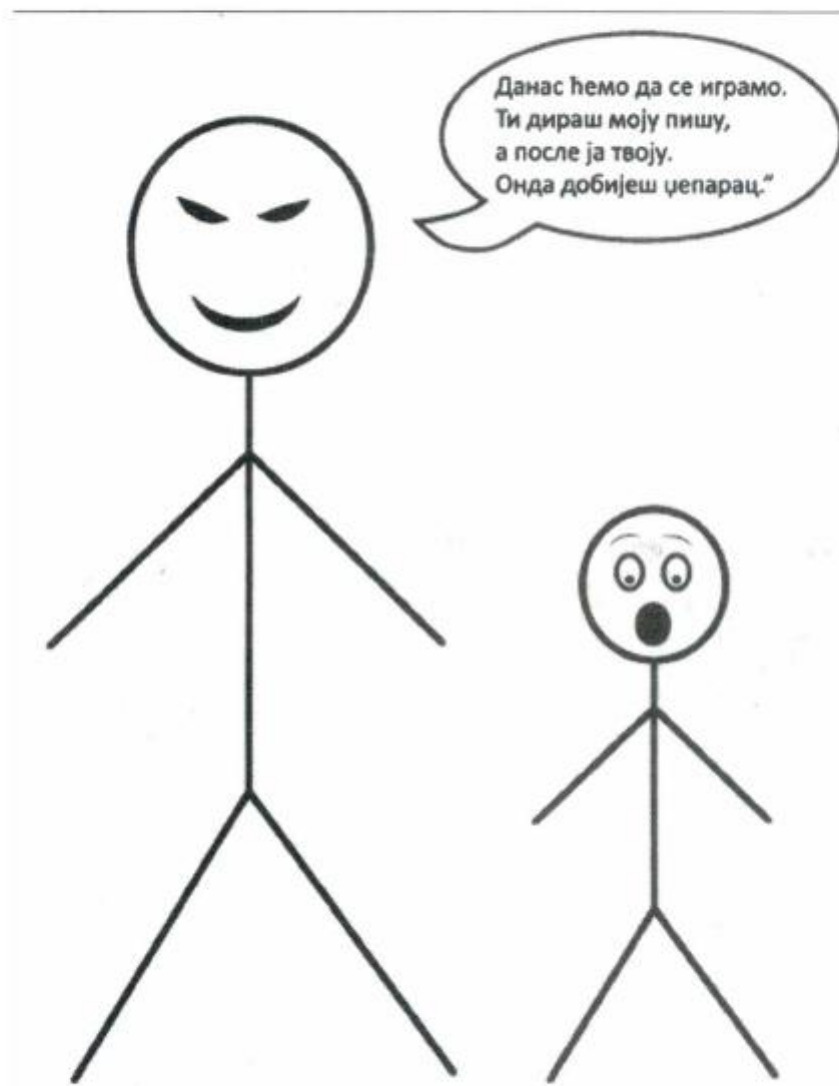
У саопштењу ове невладине организације детаљно и документовано се образлаже генеза настанка Образовних пакета, који су израђени у директној сарадњи с Министарством просвете у периоду март–новембар 2016. године. Како је наведено, укупан садржај су написале три представнице министарства, 18 наставника и наставница, седморо стручњака активних ван сфере образовања, са дугогодишњим искуством у раду на пољу насиља над децом и женама. И пре него што су званично објављени, шездесет одсто садржаја у виду пилот-пројекта тестирано је у вртићима, основним и средњим школама.

Образовне пакете су јавности заједнички представили Министарство просвете и Инцест траума центар у Београду 18. новембра прошле године, када је и званично предат на коришћење министарству.

Позитивно мишљење о садржају дали су Одељење за права детета Заштитника грађана, представници скупштинског Одбора за људска и мањинска права и равноправност полова, Одбора за права детета и Женске парламентарне мреже.

У поменутом гостовању на телевизији Хепи министар Шарчевић је истакао да су „стручњаци у министарству просвете одмах указали да неке ствари у Образовним пакетима не могу да иду у изворном облику и обиму“. Остало је недоречено када су се ти „аларми“ огласили, с обзиром на то да су из министарства одаслата упутства образовно-васпитним установама за примену Образовних пакета од другог полугодишта школске 2017/2018. године. А на почетној страни, међу логотипима организација које су стале из овог пројекта, налази се и амблем Министарства просвете, науке и технолошког развоја.

**Д. Пејовић**



Илустрација на страни 263 Образовног пакета за основне и средње школе

Министарство просвете одлучило да формира тим стручњака који ће изградити нови помоћни материјал за наставнике и васпитаче, намењен превенцији и спречавању сексуалног насиља над децом

This illustration does not exist on p. 263 of Ed. Packs for schools

## THE CHILDREN WILL NOT BE LEARNING ABOUT SEX



.... It has been decided that a team made up of professionals, child psychologists and pedagogues will be formed in order to produce new auxiliary teaching material for teachers and educators intended for the prevention of sexual violence against children.



Datum: 23.04.2017

Novina: Kurir

Autor: N.N.

Naslov: Deca neće učiti o seksu

Strana: 16

Rubrika: Društvo

Tema: Incest trauma centar



### Ministarstvo prosvete

#### Deca neće učiti o seksu

..: Povodom saopštenja Incest trauma centra da su obrazovni paketi za učenje o temi seksualnog nasilja svojina tog centra i da se ne mogu revidirati, a da se ne povrede njihova autorska prava, Ministarstvo prosvete donelo je odluku da te pakete povuče iz upotrebe. Odlučeno je da se formira tim stručnjaka, dečjih psihologa i pedagoga, koji će izraditi novi pomoćni materijal za nastavnike i vaspitače namenjen sprečavanju seksualnog nasilja nad decom.



Datum: 24.04.2017

Novina: Informer

Autor: N.N.

Naslov: Povučene sporne KNJIGE O SEKSU

Strana: 15

Rubrika: Inovacije

Tema: Incest trauma centar



## MINISTARSTVO PROSVETE ODLUČILO

# Povučene sporne KNJIGE O SEKSU

**M**inistarstvo prosvete donelo je odluku da se iz upotrebe povu-ku obrazovni paketi o seksualnoj edukaciji! Priručnike o seksualnom obrazovanju koje je za đake i nastavnike izradio Incest trauma centar neće se naći sledeće godine u školama, najavlje-no je u ministarstvu.

- Povodom saopštenja Incest trauma centra da su obrazovni paketi za učenje o temi seksualnog nasilja svojina tog centra i da se ne mogu revidirati a da se ne povrede njihova autorska prava, Ministarstvo prosvete donelo je odluku da te obrazovne pa-

kete u potpunosti povuče iz upotrebe - navodi se u saopštenju Ministarstva.

Istovremeno je odlučeno da se formira tim stručnjaka, dečijih psihologa i pedagoga, koji će izraditi novi pomoćni materijal za nastavnike i vaspitače.

Psihoterapeut Zoran Milivojević kaže za Informer da je dobro što je Ministarstvo prosvete donelo odluku o povlačenju paketa o seksualnoj edukaciji i da se mora ozbiljnije poraditi na tom štivu.

- Jako je bitno da ceo taj udžbenik bude napisan tako da odgovara našem mentalitetu i običajima - kaže Milivojević. S. K.

**Mentalitet**  
Udžbenik mora  
da bude napisan  
tako da odgovara  
našem mentalitetu  
i običajima  
Zoran Milivojević,  
psihoanalitičar

Datum: 05.05.2017

Novina: Politika

 Autor: Jelena Popadić;  
 Miladinović Milenija  
 Simić

 Naslov: Смене у министарству  
 због сексуалног образовања

Strana: 1

Rubrika: Društvo

Tema: Incest trauma centar



„ПОЛИТИКА“ САЗНАЈЕ

# Смене у министарству због сексуалног образовања

Уместо досадашњих сарадника у Групи за заштиту од насиља и дискриминације, чији резултати нису задовољавајући, ангажоваћемо Биљану Лајовић, експерта за ову област, као и искусне и заиста стручне школске психологе, изјавио за наш лист министар Шарчевић

У Министарству просвете, науке и технологије у току су кадровске промене које су делом последица жестоког негодовања јавности због спорног Образовног пакета за учење о сексуалном насиљу над децом, изјавио је ексклузивно за „Политику“ министар Младен Шарчевић. Овај посао водила је Група за заштиту од насиља и дискриминације при ресорном министарству, коју чине психолози Гордана Меденица и Смиљана Грујић. Оне ће, по свему судећи, бити разрешене дужности.

– Досадашње сараднице нису више део тима, а разлога има више. Оно што се десило са Образовним пакетима намењеним учењу о сексуалном насиљу само је један од разлога за кадровске промене. Пре свега њихови резултати били су далеко испод задовољавајућег и очекиваног нивоа, а на терену се није осетило њихово присуство. Проблематици насиља у школама мора се приступити темељније и много озбиљније, уз бољу сарадњу са директорима школа и стручним сарадницима – прецизира министар Шарчевић најављујући формирање бројнијег тима за борбу против насиља.

Уместо двоје људи овај посао ће убудуће радити, како каже министар, троје или четворо „заиста стручних особа“.

– Осим Биљане Лајовић, која је експерт за ову област, ангажоваћемо искусне школске психологе који су прошли све потребне обуке на тему насиља у школама. Тај тим биће директно одговоран искључиво министарству. Хоћемо бољу сарадњу са локалним самоуправама, центрима за

социјални рад и свима који су на било који начин у додиру са образовно-васпитним системом. Хоћемо да се види присуство тимова министарства на терену – каже наш саговорник.

У току јучерашњег дана контактирали смо са Горданом Меденицом која нам се јавила, како је нагласила, са радног места у министарству. Меденица није желела да коментарише најаву министра Шарчевића о кадровским променама. Незванично смо сазнали да је она пре неколико дана поднела захтев за раскид уговора о раду, а да њена колегиница Смиљана Грујић до јуче није била обавештена о планираним сменама.

Специјалиста школске психологије Биљана Лајовић, коју је министар поменуо као експерта у овој области, изјавила је јуче за наш лист да јој није званично понуђено место шефа Групе за заштиту од насиља и дискриминације. Лајовићева је годинама руководила Јединицом за борбу против насиља, како се некада звала Група за заштиту од насиља при министарству, а пре годину и по дана отишла је у пензију.

Формирање новог тима стручњака министарство просвете је најавило пре две недеље када су саопштили одлуку о повлачењу Образовних пакета о сексуалном насиљу. Том приликом су саопштили да ће нови тим стручњака, дејчјих психолога и педагога израдити нови материјал за наставнике и васпитаче, намењен превенцији и спречавању сексуалног насиља.

Оваква реакција министарства просвете уследила је након што се подигла бура у јавности због спорног садржаја образовних пакета који нису били прилагођени нашој кул-

тури, традицији, као ни узрасту деце којима је намењен. Ово је на крају признао и сам министар Шарчевић који је 19. априла најавио да ће поменути материјали, намењени васпитачима и наставницима, бити кориговани. Међутим, невладина организација Инцест траума центар, која за издала овај образовни пакет, није пристала на било какве измене, позивајући се на своја ауторска права. Ова организација је у саопштењу подсетила да је тај наставни материјал израђен у сарадњи са Министарством просвете од марта до новембра 2016. године, након чега је представљен јавности. Такође, Инцест траума центар је навео да су поједина поглавља писале три представнице Министарства просвете, тачније Гордана Меденица, Смиљана Грујић и Биљана Лајовић. Њихова имена налазе се на списку аутора ове публикације.

Да подсетимо, спорни образовни пакети прослеђени су вртићима, основним и средњим школама пре око два месеца и планирана је њихова имплементација кроз редован план и програм. Приручник намењен наставницима у основним и средњим школама има око 450 страна и обухвата наставу из десет предмета. У овом наставном материјалу, између осталог, објашњено је шта су: француски пољубац, мастурбација, анални и орални секс, описане су сексуалне сцене и дат је предлог како одговорити ученику којем се свиђа припадник истог пола.

Миленија Симић Миладиновић  
Јелена Попадић



11/05/2017 – NIN (weekly)

*Ostrich strategy in the protection of family cult*

## GUARDIANS OF TABOOS



Having presented Educational Packs for learning about the topic of sexual violence, the Ministry of Education has withdrawn them because they challenged the family throne. The very same throne inside which abuse often takes place, or is being silenced.



ТАКТИКА НОЈА У ЗАШТИТИ КУЛТА ПОРОДИЦЕ

# Чувари табуа

*Министарство просвете је представило, па повукло Образовне пакете за учење на тему сексуалног насиља јер су ударили у свети породични трон. Исти онај у оквиру кога се неретко злостављање дешава, или се о њему ћути*

Једанаестогодишња С. М. је била стидљива девојчица, извргавана подсмеху другара због преурањених телесних знакова пубертета. Зато јој је пријало кад је један љубазни господин на улици назвао лепом, па је пристала да са њим прошећа. Уследило је...

А онда је...

Завршите сами, према званичној статистици: у Србији у сваком школском одељењу постоји четворо деце узраста од 10 до 18 година који су доживели или трије неки вид сексуалног насиља. Исти број је оних који знају неког коме се то догађа, показује Национална студија о друштвеном

проблему сексуалног злостављања деце из 2015. Иста студија сведочи да је чак 49 одсто испитаника овом приликом први пут проговорило о питању сексуалности, макар и с парчетом папира.

Упркос алармантним подацима, Министарство просвете, науке и технолошког развоја је у року од само неколико дана представило, па повукло Образовне пакете за учење на тему сексуалног насиља. Пост-фестум је утврђено да нису сасвим у складу са узрастом адресираних, нити у сагласју са „нашом традицијом“. Иако челници Министарства нису прецизирали на које се делове „приручника“ то тач-

но односи, део јавности подозрева да се ради о поглављима која представљају истополну и транс сексуалност.

Онај други део Србије, гласнији, подигао се на ноге у намери да стопира имплементацију програма, па с разлогом може да се посумња да је њихов притисак подстакао повлачење поменутих педагошких помагала. Иако је званична аргументација потеза другачија.

Образовни пакети настали су у оквиру петогодишњег рада Инцест траума центра Београда, подржаног од Министарства просвете. Пилот-пројекат је проверен у бројним школама и вртићима и укључио многе педагоге из оквира наставе и ван њега. Пакети су се односили на малишане предшколског узраста од три године, па све до пунолетства, учећи их како да препознају насилнике и спрече погубан развој ситуације. Да би деца све било јасније, покривен је и сегмент упознавања са телом, полом, родом и свим варијантама сексуалне склоности.

Конзервативна Србија је „заурла-ла“: стоп пакетима! Спочитавањем им је „неадекватан вокабулар“, преурањено буђење сексуалности, могућност да садржајем проузрокују пораст хо-



мосексуалности... У медијима су се огласили познати психолози, десничарске странке издале саопштења, као и Унија синдиката просветних радника, док је Центар за заштиту породице покренуо петицију против увођења програма, што указује на праву природу отпора.

„Срамни пакети“, како су названи, ударили су на свети породични трон. Исти опај у оквиру кога се перетко злостављање дешава, или се о њему ћути.

Протесте наведених групација, Јелисавета Благојевић, филозофкиња, професорка Факултета за медије назива „нспромишљеним“ и „сфтиним моралисањем“. „Где су сви они сада толико гласни да деца не треба да се образују о сопственом телу и сексуалности, онда када се говори о жртвама сексуалног и других видова насиља“, апелује Благојевићева. „Требало би и родитељи да се континуирано едукују на ове теме, а не само да се ослањају и штите своју свезналачку и нсприкосновену родитељску улогу“, додаје. Да ли у школу шалу децу да нешто науче, или су сами најпозванији за њихово образовање? Ком то родитељу заиста није важно да дете научи да баш никада не сме бити насилно у односу на друге, али и да препозна када су други

насилни према њему, и да зна како треба да реагује?

На намеру да се препознавање насиља подреди „традиционалним породичним вредностима“, реагује и Весна Брзев Турчић, психоаналитичарка и адолесцентска психотерапеуткиња. „Препознавање постојања насиља спречава насиље, зауставља га, може да се реагује превентивно и то ни на који начин не угрожава култ породице“, сматра. Напротив, зар то не иде заједно, апострофира поенту.

Ни информисање о различитим правима – на сексуалну слободу, сек-

**Учење о правима на сексуалну слободу, сексуалну аутономију, интегритет и сигурност сексуалног тела, на приватност, право на сексуално задовољство, сексуално изражавање, на слободне изборе, не може бити преурањено**

**Неподобни приручници:** Злослутне цифре о броју жртава злостављања и склоности под којима се ово може збити, остале су табу. И остаће, судећи по намери Министарства да сачини нове приручнике

суалну аутономију, интегритет и сигурност сексуалног тела, на приватност, право на сексуално задовољство, сексуално изражавање, удруживање, на слободне и репродуктивне изборе, она не сматра преурањеним. „Поштовање људских права учи се од малих ногу. После је касно. А онда смо сведоци бруталности коју потом медији детаљно описују и нико се не плаши да ће од тих описа неко дете постати насилно“, указује Брзев Турчићева.

Како је, уопште, дошло до апсурдног, и истински трагичног епилога једне иновативне и крајње напредне иницијативе? Све пре формирања и обелодањивања Образовних пакета, није личило на српску збиљу, будући да је обављено темељно, у складу са Конвенцијом и другим актима о правима детета, и у интрасекторској сарадњи. Пакетима су претходила два значајна документа, поменуто Национална студија, и прва Стратегија у образовању за спречавање сексуалног злостављања деце у РС. Чак је и одржан Оснивачки дан Националне мреже школа и вртића против сексуалног насиља.

Међутим, од момента представљања садржаја, случај се одвијао према много познатијем сценарију: уследио је медијски лич Образовних пакета, по опробаној стратегији. „Кад год се потегне нека друштвено осетљива тема, медији унапред знају коме да се обрате да би добили пожељно мишљење, што је далеко од јавне расправе“, објашњава Благојевићева.

Спорни пакети – иако у покушају да се зло детектује и спрече последице не би смело бити ништа спорно – дезавуисани су по разним ставкама. Спочитаван је, како рекосмо – језик, непримерен узрасту, али и постављање рода као друштвеног конструкта, а не полне одређенице. Анатемисан је позив на константно преиспитивање сексуалности, па чак и дефиниција да је свака особа „жена или мушкарац на свој начин“.

Указивање на различитост проглашено је увођењем „моде“ истополних

односа које наше друштво води за-падњачкој хистерији ширења праксе транссексуалних тоалета. И истакнуто као подједнако штетно као увођење афирмативних просветних мера за Роме! Исмевано је то што би се дато знање требало преносити кроз девет школских предмета, упркос одавно у наш школски систем имплементираној интердисциплинарности.

Проблематичним се означио по-јам „приватни делови тела“, као и „до-диривање“, јер и ово, тобоже, одвлачи у породичну отуђеност. Извлачили су се делови штива из контекста, у на-стојању да се нагласи „порнографски“ приступ, па је прича о Тини и Божи који јој је откопчао брусхалтер и за-вукао руку у гаћице у медијима ети-кетирана као превише експлицитна и „вулгарна“. Све то је још више зама-глило потребу из које су приручници рођени. Злослутне цифре о броју жртава злостављања и околности под којима се ово може збити, остале су табу. И остаће, судећи по намери Министарства да сачини нове при-ручнике.

Јер, првобитна саопштења да ће Образовни пакети бити ревидирани по „спорним“ ставкама, пали су у воду кад је Инцест траума центар објавио власништво над њима, инсистира-јући да не смеју бити мењани, нити прилагођавани. Шта друго остаје Ми-нистарству, но да оформи нови „тим стручњака, дечијих психолога и педа-гога, који ће израдити нови помоћни материјал за наставнике и васпитаче намењен превенцији и спречавању сексуалног насиља над децом“. Или бар да се на то обавезе.

„Нови помоћни материјал биће искључиво намењен учењу о теми сексуалног насиља и пре него што буде упућен наставницима и васпи-тачима, биће урађен процес евалуа-ције од стране стручњака“, најављују у Министарству. Она преходна испо-ставила се невалидном јер је стручној процени било подвргнуто свега 62 од-сто материјала. За шта је окривљена „наслеђена процедура“. Ресто заслуге за повлачење Пакета је на „мишље-њу наставника, васпитача, педагога и психолога, као и стручних служби Министарства“. Оних пробраних, поткованих традицијом.

Доћи ће до још једне битне проме-не: заштита репродуктивног здравља биће део наставног плана за предмет Физичко и здравствено васпитање



Након Параде поноса: Ритуал православног чишћења „зла са Запада“

за ученике петог разреда. Тако ће се питање полности опет оставити (игнорантској) породици. Јер у Ми-нистарству сматрају да је једна од основних омашки Пакета управо то што се „поједини делови односе се на сексуално образовање, а требало је да буду намењени искључиво едукацији о сексуалном насиљу“.

**К**о ће сада да се супротстави цеп-кању јединственог приступа сек-суалној проблематици? Нико, јер јавност је умирена повлачењем Пакета, бар онај део који сматра да је хомосексуалност - измишљотина Запада. И да ће, тако погубна, нестати са ових простора ако се не помиње.

Тактика „ноја“, својствена нашем друштву, поједине аналитичаре под-сећа на праксу Чеченије. Где је, како је писала руска *Новаја газета*, власт недавно покренула акцију „чишћења“. Па привела више од сто људи, а тро-јицу погубила на основу сумње да су хомосексуалци. Следио је деманти са највишег места, уз тврдњу да је немо-гуће гонити људе „који једноставно не постоје у Републици“. Да таквих људи има у Чеченији, органи реда против њих не би морали ништа да предузи-

мају, јер би их њихови рођаци послали на пут без повратка“, дискриминација је на овај начин достигла највиши ни-во - игнорисање.

Слично Чеченима, и код нас би требало затрти разлике, и то у нај-млађем узрасту. Потпуно „право де-це (и адолесцената) да докажу да су јединствени и да имају право на ис-казивање онога што их разликује од других“, како примећује Весна Брзев Ђурчић. „Неопходно је, да не бисмо постали дискриминаторско друштво, да поштујемо личне особености које не угрожавају никога“, истиче.

„Слободи се учи, изборима се учи, што у идеалном смислу треба да по-нуде образовно-васпитне институци-је“, каже Јелена Благоевић. Али, ако оне уђу у улогу моћи, више се не препитују. Моћ оснажују прогла-шавањем различитог за „ненормал-но понашање“, што доприноси „(па-ланачком) утиску самозадовољства позицијом“.

Али, у тој моћи нема ништа од одговорности. Нема на струци засно-ваних смерница, нити придржавања стратегије ако је осмислила друга пар-тија. Нема ничег до пуког подилаже-ња надређенима, и понекад јавности. Па кад невладин сектор обавља посао за који су плаћени званичници - као што је састављање програма про-тив насиља - није чудо што несклад са „сопственим“ ставом тек доцније примете. И морају да га ревидирају у односу на „свету“ традицију.

Где се о сексуалности неретко „учи“ управо кроз насиље. Сетимо се само појединих владика, оптужених за педофилију.

ДРАГАНА НИКОЛЕТИЋ

**Анатемисан је позив на константно преиспитивање сексуалности, па чак и дефиниција да је свака особа „жена или мушкарац на свој начин“**

## ŠARČEVIĆ CURTAILED COOPERATION WITH THE INCEST TRAUMA CENTER

Teacher training conducted by this NGO according to this Ministry's decision has also been discontinued



Datum: 12.05.2017

Novina: Politika

Autor: Jelena Popadić

Naslov: Шарчевић ставио тачку на сарадњу са Инцест траума центром

Strana: 7

Rubrika: Društvo

Tema: Incest trauma center



# Шарчевић ставио тачку на сарадњу са Инцест траума центром

Обустављена и обука наставника коју је по одлуци

Министарства просвете спроводила ова НВО

**С**адржај спорних Образовних пакета за учење о сексуалном насиљу над децом није довео само до смене одговорних у Министарству просвете за спровођење тог пројекта, већ је проузроковао и прекид сарадње са Инцест траума центром, невладином организацијом која је пакете осмислила.

Министарство просвете, како је изјавио за наш лист министар Младен Шарчевић, убудуће неће сарађивати са поменутом организацијом.

– Не знам зашто бих наставио сарадњу са њима. Нису показали ни трунку кооперативности. Нису чак ни дошли у министарство, нити су нам се званично обратили након наше одлуке да Образовне пакете повучемо из употребе. Из њиховог саопштења за јавност смо сазнали да не допуштају никакве корекције овог наставног материјала, што је била намера министарства, позивајући се на то да би тиме била повређена њихова ауторска права – каже Шарчевић.

На наше питање колика је новчана штета од повлачења Образовних пакета, министар каже да пројекат није финансиран из буџета, да не зна ко је платио овај пројекат, нити ко су донатори Инцест траума центра.

Прекид сарадње са овом невладином организацијом, према његовим речима, подразумева и стопирање обуке просветних радника које је, по решењу Министарства просвете, спроводио Инцест траума центар. Реч је о три обуке које обухватају припрему наставно особља за примену повучених Образовних пакета, као и предавања о родно условљеном насиљу и превенцији насиља.

– Држава није одустала од увођења сексуално образовања и часова посвећених спречавању насиља над децом, али ће та посао бити поверен тиму Министарства просвете, који ће чинити искусни школски психолози – прецизира Шарчевић. Као што је најавио и у ексклузивној изјави „Политици“ прошле недеље, нови тим стручњака биће одговоран искључиво ресорном министарству, а не било којој невладиној организацији.

Спорни Образовни пакети били су резултат сарадње Инцест траума центра и Групе за заштиту од насиља и дискриминације Министарства просвете. Због бројних пропуста у овом

послу министар Шарчевић је прошле недеље најавио смену службеника који су водили овај посао. Групу за заштиту од насиља и дискриминације чинили су психолози Гордана Меденица и Смиљана Грујић, а Шарчевић је изјавио да ће овај посао убудуће водити психолог Биљана Лајовић, која је већ годину и по дана у пензији. Реч је о искусном психологу и дугогодишњем руководиоцу Јединице за борбу против насиља, како се некада звала поменута Група за заштиту од насиља при министарству. Биљана Лајовић један је од аутора текстова објављених у спорном Образовном пакету, али министар Шарчевић истиче да она није активно учествовала у изради овог наставног материјала.

– Биљана Лајовић је, у име Министарства просвете, водила овај посао када је он био на почетку, али нема никакве везе са спорним садржајем – изричит је министар Шарчевић.

Иначе, Лајовићева је један од аутора поглавља Образовног пакета, које се односи на могуће ризичне ситуације током часова физичког васпитања. Ту су савети о избегавању непотребних физичких контаката наставника са ученицама (дозвољени су додир само ради обезбеђивања сигурних услова за вежбање), о обавези професора физичког да покуца пре уласка у свлачионицу (и мушку и женску)... Таксативно се наводи „мера додира“ за поједине вежбе и справе.

Шарчевић напомиње да Министарство просвете није имало увид у готово 40 одсто материјала објављеног у Образовним пакетима.

Подсећамо, у саопштењу Инцест траума центра од 20. априла је наведено да је 62 одсто материјала, пре објављивања, било примењено у школама и вртићима у оквиру пилот-пројекта.

Још није познато ко ће, осим Биљане Лајовић, бити задужен за писање нових пакета за учење о сексуалном насиљу над децом нити да ли ће нови тим стручњака моћи да користи резултате истраживања објављених у Националној студији о проблему сексуалног насиља над децом из 2015. године. Ова студија такође је у власништву Инцест траума центра, а Министарство просвете било је само партнер током

њене израде.

За сада је извесно да ће наставити са радом Национална мрежа предшколских установа и школа против сексуалног насиља, која је основана крајем фебруара у окриљу Министарства просвете. Стварањем ове мреже, која обухвата 63 институције, међу којима је 48 васпитно-образовних установа, координирао је управо Инцест траума центар.

Јелена Попадић

Младен Шарчевић

Држава није одустала од увођења сексуалног образовања, али нема разлога да наставим сарадњу са организацијом која није показала ни трунку кооперативности

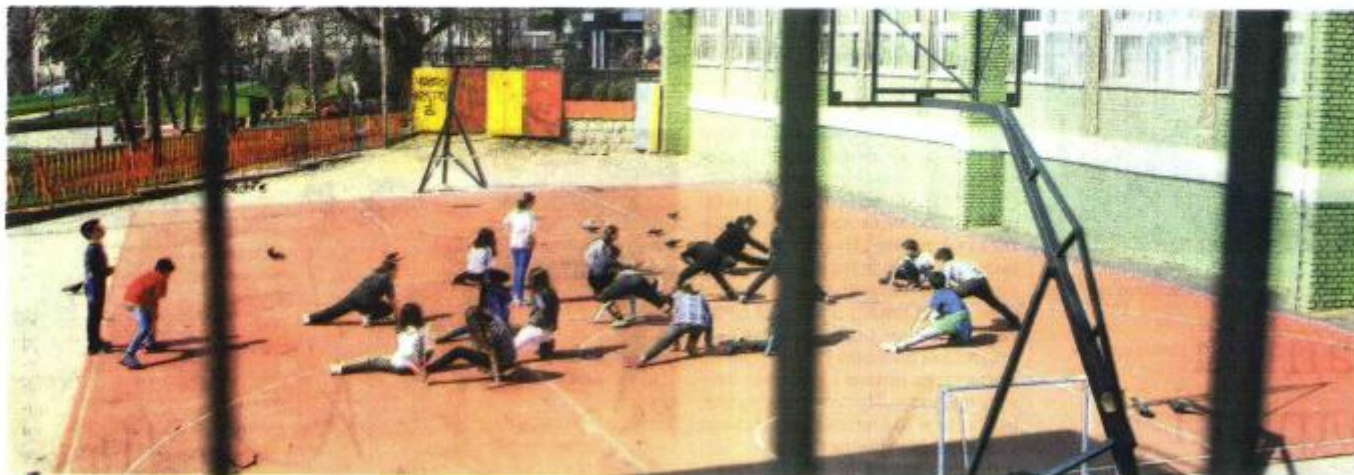


## ЕУ финансира Националну студију о сексуалном насиљу над децом

Резултати Националне студије о проблему сексуалног насиља над децом коришћени су приликом писања појединих поглавља у Образовном пакету за учење о сексуалном насиљу над децом. У овој студији су објављени резултати истраживања о сексуалном насиљу над децом, које је спроведено у 97 школа. У уводним лекцијама Образовних пакета наведено је да је у сваком школском одељењу по четворо деце узраста од десет до 18 година доживело сексуално насиље, а да још четворо познаје некога коме се то догодило.

Резултати овог истраживања били су основ за закључке аутора Образовних пакета, од којих су многи изазвали негодовање јавности. Један од таквих закључака је и да је породични дом најопасније место за децу у модерном друштву.

Израду поменуте студије финансирала је Европска унија кроз програм подршке цивилном друштву из 2013. године.



На челу новог тима Министарства просвете за заштиту деце од насиља и дискриминације биће психолог Биљана Лајовић. Она је била аутор поглавља „Физичко васпитање у функцији заштите деце од сексуалног насиља“ у Образовном пакету које је министарство повукло из употребе

## IGNOMINY IN KINDERGARTENS AND CLASSROOMS



If anyone uses one of these little ones – those who believe in me - to stumble, it would be better for them to have a large millstone hung around their necks and be drowned in the depths of the sea. Matthew, 18



Datum: 15.05.2017

Novina: Pravoslavlje

Autor: Slavica Lazić

Naslov: Саблазан у вртићима и школским клупама

Strana: 10

Rubrika: Ostalo

Tema: Incest trauma center

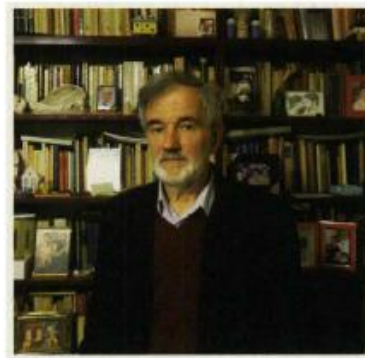


Разговор са Жарком Требјешанином, психологом

## Саблазан у вртићима и школским клупама

А који саблазни једнога од ових малих који вјерују у мене, боље би му било да се објеси камен воденички о врат његов, и да потоне у дубину морску.

*Јеванђеље по Матеју, глава 18*



Одлука Министарства просвете да повуче из даље примене образовне пакете за учење о теми сексуалног насиља над децом за предшколске, основношколске и средњошколске установе у Србији, логичан је епилог једног брзоплетог покушаја министра просвете Младена Шарчевића да се у образовни систем уведе на мала врата, по хитном поступку и без јавне расправе, материјал за који су, када је обелодањен недавно у јавности, родитељи и стручњаци имали само једну констатацију – да је скандалозан, ласциван и саблажњујућ. Публикација која је подигла Србију на ноге, настала је у партнерству Министарства просвете, науке и технолошког развоја РС и невладине организације Инцест траума центра из Београда, а произведена је уз финансијску подршку Canada Fund, Реконструкција Женског фонда и World of Children Award. Тај материјал објављен је у новембру прошле године и током фебруара месеца ове године прослеђен је свим вртићима и школама, чиме је званично започета његова примена с почетком овог полугодишта. О садржају спорних публикација јавност и родитељи нису ништа знали, није било никаквих информација у медијима, а наставници који су спроводили сексуалну едукацију у вртићима и школама су ћутали, без обзира на неслагање са спорним садржајем. Тек први алармантни ауторски текстови током априла месеца познатих стручњака, подigli су буру која се не стишава.

Шта се налази на преко 400 страна овог приручника? У тексту намењеном вртићима Група за заштиту од насиља и дискриминације при Министарству просвете нагласила је да је трогодишњој деци потребно указати шта су интимни делови тела, да је њихово тело само њихово и да препознају додире који су им пријатни од непријатних који представљају сексуално насиље. У Пакету за вртиће, малишани ће видети цртеж голог дечака и девојчице са истакнутим полним карактеристикама, а васпитачи ће од њих тражити да обоје делове тела где им прија, а где им не прија када их додирују чланови породице, првенствено маме и тате. Деца која до поласка у школу бораве у вртићу, од васпитача треба да науче „Ако им у посету дођу тетка, баба, ујак или неки други члан породице и крене да те цмаче по целом лицу, у главу, љуби руку, грли, стеже – имаш право

да се измиголиш и макнеш или кажеш – 'Извини, али ја не бих да ме љубиш'“.

Сексуално образовање у основним и средњим школама спроводи се, према овом приручнику, кроз савете ученицима шта је инцест, француски пољубац, орални секс, анални секс, педофилија и подстрекавање деце на хомосексуалне односе, као и на објашњење „колико дуго сме да се мастурбира“. Наставници свих 10 предмета имају обавезу да им одговоре на питање „Како извести француски пољубац“. Доста прецизно треба да их упознају да је то када „особа која љуби дотиче језик друге особе, оне која је пољубљена. Надражује усне, уста и језик, три области које су врло осетљиве на додир и пружа осећање пријатности и узбуђења“. Нормирање сексуалног образовања спроводи се и кроз учење да је „остварити сексуални однос и доживети задовољство, ствар жеља, потреба и договора особа које воде љубав“. Наставницима је у Образовном пакету прослеђено и детаљно објашњење за употребу женског кондома за лезбијке илустровано цртежом две девојке у љубавном чину, како би знали да се и сами едукују. Суочени са жестоком осудом јавности, надлежни у Министарству просвете одлучили су да се образовни пакети коригују и прилагоде узрасту деце, култури и нашој традицији. Из Инцест траума центра саопштено је да није могуће мењати садржај, а да се не изврши повреда ауторских права и да су текстови својина Инцест траума центра. Како истичу, материјали су „резултат петогодишње сарадње Министарства просвете и Инцест траума центра и Министарство је активним учешћем изразило своју пуну сагласност за промоцију образовних пакета“. Од министра Шарчевића стигла је потврда да је ЕУ утицала да се образовни пакети нађу у вртићима и школама, али да „нама не може нико да наметне оно што нећемо да прихватимо у целости“. „Реч о материјалима који су присутни у европским образовним системима и да су утемељени у све оно што је Србија потврдила потписивањем Конвенције Савета Европе о заштити деце од сексуалног искоришћавања деце, и што је преузела као обавезу на основу одредби 'Ланзарот' конвенције“, кажу у Министарству. Иницијатива Министарства просвете да се укључи у борбу у превенцији злостављања и насиља деце је за

## Смене у министарству због скандалозних приручника

После одлуке о повлачењу спорних Образовних пакета за учење о сексуалном насиљу, из Министарства просвете, науке и технологије стижу и најаве да ће доћи и до смена одговорних који су ове спорне садржаје проследили вртићима, основним и средњим школама и одобрили да се имплементирају кроз редован план и програм. Кадровске промене уследиле су као логична одлука после жестоке реакције у јавности. Министар Младен Шарчевић је појаснио да ће разрешити психологе Гордану Меденицу и Смиљану Грујић, сараднице у Групи за заштиту од насиља и дискриминације при ресорном министарству, чији резултати нису задовољавајући. Нови тим чиниће, како је изјавио министар, троје или четворо „заиста стручних људи“. Остаје отворено питање до када ће нови предлог бити спреман и да ли ће, овога пута, бити пуштен у јавну расправу.

сваку похвалу, али су понуђени материјали контраверзни. Унија синдиката просветних радника Србије и Удружење грађана „Ко нам трује децу“ тражили су хитно уклањање приручника из нашег школског система. Образовни пакети су повучени и донета је одлука да се формира тим стручњака, дечијих психолога и педагога, који ће израдити нов помоћни материјал за наставнике и васпитаче. Из Министарства поручују да ће нови тим узети у обзир критеријум узраста детета и карактеристике ширег контекста у коме дете, односно ученик, одраста уважавајући принцип нулте толеранције према било ком облику насиља.

После силовитог притиска јавности, Министарство је повукло ове пакете. Да ли сте изнађени и може ли се говорити о томе да се иза наводне превенције сексуалног насиља циљано иде на урушавање породице и породичних вредности и афирмацију родне политике и LGBT идеологије?

– Нисам изненађен и ово је једина исправна одлука. Постојала је добра намера да се деца заштите. Сигурно је да у материјалима има и добрих делова, али то не значи да текст није подложен критици. Изненађен сам да аутори из Инцест траума центра сматрају да није могућа никаква ревизија. Реч је о тексту који директно иде у школе?! Потребно је да се говори о сексуалности, поготову о сексуалном насиљу. Ја сам указао на примедбе. Не можете пресађивати нешто из сасвим друге културе у нашу културу. Када је реч о додирима, мени није јасно зашто би то било насиље? Због чега дете треба да забрани теткама, стринама, бабама да их љуба-кају? То је омаловажавање сродника. Ми смо култура која има јаке сродничке везе и где људи своје емоције изражавају додирима. У неким северњачким и западним земљама додир је табуизиран. У медитеранским, јужњачким културама то је сасвим нормално. Наше

породице су отворене, родитељи воле да грле, љубе и маже своју децу. То није сексуално насиље. Реч је о идеологији која је подозрива према породици. Зашто би се на родитеља гледало као на потенцијалног злостављача детета и као на могућег сексуалног напасника? Отац је апострофиран као злостављач ћерке. Тога несумњиво има, али то није правило и потпуно је изопачено. Мислим да је то наopak поглед на породицу. Породица је представљена као најопасније место у модерном друштву по сигурност деце. А породица је у нашем друштву примарна група, присна људска заједница, где постоје најчвршће емоционалне везе, и где се деца осећају сигурно и заштићено. Ако аутори текста закључују да је породица најопаснија, ко онда треба да васпитава децу? Да ли деца треба да се лише родитељског старања? Модерна породица је дестабилизвана, све је мање бракова и све више самохраних родитеља и незнатан број истополних породица. Самохрана породица не може бити тако добра као што је то примарна породица коју држе отац и мајка. Природна породица је најбоље место за одрастање деце. Како неко може да се залаже за поштовање различитости – било полних, било сексуалне оријентације, различитих култура и националности, а да не уважава своју културу?

## Веронаука без учења о сексуалном насиљу

Имплементација образовних пакета планирана је кроз редован, постојећи наставни план и програм кроз следеће предмете: српски језик, свет око нас, природа и друштво, физичко васпитање, грађанско васпитање, биологија, социологија, устав и права грађана и психологија, чиме постају део наставног плана и програма. Из којих разлога су изоставили веронауку?

– Као да религија нема шта да каже о сексуалном насиљу, као да нема ништа заједничко са децом, као да не брине о њиховом душевном и духовном здрављу?! Хришћанска религија поставља дете на узвишено место и поставља се заштитнички према њему. Подсетио бих на речи из Јеванђеља по Матеју, када Исус Христос каже: *А који саблазни једнога од ових малих који верују у мене, боље би му било да се објеси камен воденички о врат његов, и да потоне у дубину морску.*

Идеја да се о сексуалном насиљу говори и кроз наставу образложена је резултатима истраживања Националне студије о друштвеном проблему сексуалног злостављања деце у РС. Према овој студији у сваком школском одељењу у Србији постоје четири детета која су преживела одређени вид сексуалног насиља, али и још четирио које познају некога коме се то догодило. Да ли деца разговарају о томе са неким?

– Немамо довољно истраживања да бисмо видели какве су последице по децу која одрастају у породици једнополних родитеља или самохраних родитеља. Че-



сто се из намере или незнања манипулише са подацима. Исувише је кратко време постојања других облика породице да бисмо могли да говоримо да је апсолутно свеједно у каквој породици дете одраста. Ови образовни пакети неће отворити дијалог са децом.

**Звоно за узбуну представља садржај овог приручника у коме је велики број страна искоришћен за промоцију порнографског садржаја и хомосексуализма, а мањи део односи се на педагошко разјашњење сексуалног насиља као претње деци?**

– Натуралистички описи којима се објашњавају појмови су најсличнији сценарију за неки порно филм, који је потпуно непримењив за њачки узраст. Ја јесам за разјашњење сексуалних табуа, али не на начин у коме једна група намеће своје ставове свим ученицима.

**У ком узрасту су деца спремна са препознају и разумеју сексуално насиље? Да ли трогодишње дете може да разуме такву поруку?**

– То је неукусно и вулгарно. О оваквим темама нема потребе да се говори у школи пре трећег, четвртог разреда.

**Да ли је ова акција усмерена и на прерано сексуално сазревање деце и њихово насилно оптерећивање сексом?**

– Посебно у упутствима за децу која су у узрасту од три до пет година, инсистира се на прераној сексуализацији. Старија деца немају свест о сексуалном идентитету, а треба да преиспитују своје мишљење о хомосексуалности?! То је первертирано преиспитивање полности. Претерано се инсистира на томе шта је то род и да не постоји полност. Не можете да конструишете да мушкарац има неки род који је женски и обрнуто. Култура добрим делом одређује какав ће бити наш однос према сексуалности жена и мушкараца. Не може сексуално васпитање да буде транссексуално. Ако се већ залажете за поштовање различитости, морате јасно да разликујете шта је сексуално узнемиравање, шта је насиље и шта је у некој култури нормално и дозвољено. Мени је стварно смешно да вам неко нормира да ли сме да купате своје дете. Недопустиво је да се на силу мењају породични обрасци живота. То треба оставити породици, родитељима да уређују односе са својом

## Деца су блато

Пре објављивања спорног материјала, 62 одсто укупног садржаја је пилотирано у вртићима, основним и средњим школама, наводи се у саопштењу Инцест траума центра. Са чијом дозволом су деца била укључена у овај непримењив експеримент?

– То није прошло јавну расправу и не може се усвојити мимо шире јавности. Родитељ има право да зна како се његово дете васпитава и има право да се не сложи ако то угрожава основна уверења, укључујући ту и религиозна уверења. Сложили су се истомишљеници, неколико тих невладиних организација. То не може да уђе у школу без широког дијалога. Министар Шарчевић је рекао: „Стручњаци у Министарству просвете су одмах указали да неке ствари у образовним пакетима не могу да иду у школе у изворном облику и обиму.“ Материјали су објављени у новембру месецу, а тек сада су заустављени. Ово је велика поука за будућност и овакве ствари више не би смеле да се догоде. Како данас васпитавамо децу, имаћемо сутра друштво са истим вредносним системом.

## Оштра полемика

**Религија се у овим образовним пакетима апострофира као један од темељних извора мушког насиља над женама?**

– Религија, обичаји и породица су одређени као најопаснији феномени у данашњем друштву. Религија је стара институција и недопустиво је да аутори на један тако иритантан начин говоре да је религија извор насиља над женама. Овде се појављују многе скаредне ствари, као пример са Тином и Божом. То је у суштини насиље над децом и тиме их угрожавају. Заборављена је реч чедност! Ако се и спомене, то је у контексту исмевања и циничног односа. Приручник се обраћа једном малобројном слоју, либерално грађански оријентисаном, потпуно занемарујући живот већине који су верници. Образовање је ствар од националног интереса, не могу да га креирају стручњаци који исто мисле, као да су секта. Мени је незамисливо да девојчици која је васпитана у хришћанском духу наставници треба да причају о женском кондому!

децом. Овакви текстови и пракса представљају атак на породицу, јер се превисше уплићу у живот породице.

**Да ли Црква треба да изнесе своје мишљење о овом проблему?**

– Мислим да би било веома важно да и Црква скине табу са ове области и да проговори на разуман начин. Са своје стране треба да се заложи против сваког сексуалног насиља. Црква би у складу са њеним учењем требало да подржи породицу која је у кризи.



MEDIJSKI ARHIV

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# Naša seksualna deca

**Aleksej Kišjuhas / Fusnote**

**P**laneta Zemlja se okreće oko Sunca. I deca su seksualna bića. Formula za sumpornu kiselinu je H<sub>2</sub>SO<sub>4</sub>. Neke ljude privlači suprotni, a neke isti pol. Njutnovi zakoni mehanike su zakoni inercije, sile i akcije-reakcije. Treba reagovati na seksualno zlostavljanje i nasilje. Postoji sedam padeža u srpskom jeziku. Zaljubljenost i ljubav su dragocena osećanja. Sve reke u Srbiji pripadaju jednom od tri morskog sliva. Dobro je koristiti zaštitu prilikom seksualnog odnosa. Čovek i druge vrste su nastali evolucijom putem prirodne selekcije. Naše telo pripada nama. Sve ovo su prirodne i društvene činjenice i istine. A samo neke od njih se uče u osnovnim i srednjim školama u Srbiji.

I sad, bilo je i ostalo pokušaja da se npr. teorija evolucije izbaci iz nastavnog plana i programa, ali je na ovo, srećom, oštro reagovala stručna i kritička javnost. S druge strane, u tim istim školama, na časovima veronauke, uči se i to da je svet nastao nakon 6 dana rmbačenja i jednog dana čačkanja nosa, da je živi svet potekao iz zoološkog vrta na Nojevoj barci, a da su ateisti zabludeli i prikriveni vernici ili pak Titove i/ili sotonine slugе bolesnog uma. Međutim, šta ćemo sa činjenicama iz prvog pasusa koje se u školi - ne izučavaju, niti će? Naime, radi se o kontroverzi povodom famoznih "obrazovnih paketa" za učenje o temi seksualnog nasilja nad decom, a koje je godinama pripremao i pilotirao Incest trauma centar iz Beograda. Jer, na zamisao da se ovi sadržaji uključe u postojeće nastavne planove i programe bio je reagovao deo konzervativne, nacionalističke, klerikalne i homofobne javnosti, i to tekstovima, saopštenjima, peticijama, a ubrzo i "Sveroditeljskim" protestom "protiv seksualizacije dece u srpskim školama".

Drugim rečima, fekalija je pogodila ventilator, i raštimovana žica je akustično odzvonila po šupljom lobanji. A moralna panika i sitnoburžoaski bes su se bili proširili društvenim mrežama poput vaški u rovovskom ratu. Utvrđivalo se da spomenuti obrazovni paketi predstavljaju zaverušku "indoktrinaciju" i da "uvode totalitarnu LGBT i rodnu ideologiju" i "ekstremni feminizam" u sirote škole i među plodove naših prepona. Gnevom pravednika se drobilo, urlalo, bogoradilo, vapilo i penilo i o "beslovesnoj promociji homoseksualizma i pornografije od strane antiporodičnih NVO", "rađanju monstuma iz braka postkomunističkog ateizma i zapadnog kapitalizma" i (lični favorit) "majmunskoj bestidnosti i satanističkoj amoralnosti". Pred ovakvom rafalnom paljbom mentalnih čoraka, Ministarstvo prosvete se povuklo poput penisa u hladnom bazenu, odlučivši da zaustavi ili "revidira" (ne)sporne obrazovne pakete.

Za pohvalu je jedino to što su ovi samozvani branioci srpske nejači, svetinja i ostalih ognjišta ovaj put zaista i pročitali stotine stranica predlo-

ženog teksta. Pa su iz njega (kao i iz konteksta) pažljivo izvukli sve ono što para uši i draška ganglije njima lično, ali i malograđanskom moralu. A to su fragmenti o tome šta su, npr. francuski poljubac, kontracepcija, masturbacija, te oralni i analni seks, baš kao i ilustracije i heteroseksualnih i homoseksualnih parova (kako se ljube i poklanjaju cveće). I to je, otprilike, to. O, jeresi! Zlo i naopako! Blud i nemoral! Ili, završnim ćirilničnim rečima organizatora protesta protiv ovih obrazovnih paketa: "Raspeti i vaskrsli Gospode, blagoslovi nas u borbi za naše potomstvo!". Zaista, mora da će potomstvo oslepeti, osušiti mu se kičma ili izđikati malje po dlanovima ako ugleda ili dotakne obrazovne pakete! A ne daj Bože i Sveti Savo, svoje genitalije! Baš kao što će naša deca - naivne mukice, tanane poput snežne pahuljice - promptno postati orgijastički gejevi i satanističke lezbejke ako u školskom udžbeniku slučajno ugledaju dve devojke kako se ljube. Umesto da vraćaju Kosovo ili bar kredite bankama. Međutim, isuviše je lako ukazivati na sve apsurdne ove komične klerikalne zaturcanosti. Ali tada mašimo osnovnu i važnu poentu koja leži u edukaciji i osnaživanju dece za to da prepoznaju seksualno uznemiravanje i zlostavljanje, kao i da reaguju protiv incesta i pedofilije. Iako roditelji već ispravno uče svoju decu da ne uzimaju bombone od brkatih stranaca u belim kombinijama i sa naočarima u stilu Minje Subote. Ili je možda i to skandalozna "seksualizacija" dece i omladine, a ne važna lekcija u vaspitanju i obrazovanju? Neizgodnija jeste samo u neprijatnoj i prećutkivanoj činjenici da će nasilnik, zlostavljač ili pedofil mnogo verovatnije biti neko koga dete poznaje i veruje mu. Ta i takva statistika nam može biti odurna, gnusna, odvratna, grozna i preteško svarljiva, ali je to ne čini manje istinitom. A čak i ako su naši sopstveni prijatelji, susedi i rodnici divni i sjajni ljudi, kao što to u najvećem broju slučajeva zaista i jesu, ostaje važno da ovu lekciju usvoje i ona deca koja nemaju tu sreću i luksuz. To jest, da sva deca nauče šta je seksualno nasilje, i šta je primereno dodirivanje, a šta neprimereno pipkanje, bez obzira na to da li nas od ovakvog sadržaja podilaze žmrci. Ili je možda bolje da prećutimo i potisnemo to da nam žmrci i nelagodu zapravo mnogo više proizvodi onaj jedan čudak od komšije, kolege ili ujaka?

I upravo zato je (uspešna) konzervativna reakcija na ove obrazovne pakete toliko neodgovorna, nemoralna i društveno opasna. Pročitajmo nekad crnu hroniku u novinama, umesto da okrećemo stranice i zatvaramo oči pred mnogobrojnim slučajevima seksualnog nasilja u porodici. Možda bi ta hronika bila manje mračna da je više dece imalo priliku da u školi čuje lekciju o tome da (i) njihovo telo pripada samo njima i da treba da se pobune protiv svega što im nije prijatno. Kao i da porodica nije "osnovna ćelija" srpskog tkiva, već da ona može da bude i maligni prostor traume i užasa.



Zapitajmo se i zbog čega je ovoj ekipi zatucanih i homofobnih mračnjaka više stalo da zaštite decu od "zapadnih vrednosti" nego od pedofila? Zašto su odbrana i zaštita dece od (prikaza) homoseksualnosti važnije od odbrane i zaštite dece od silovanja? Ko tu onda zaista brani i čuva našu decu od zla? Jer, ovako ispada i biva da, u poređenju sa samozvanim zaštitnicima porodičnih, rodoljubivih i tradicionalnih vrednosti, o našoj deci zapravo mnogo bolje brinu hedonistički bezbožnici, amoralni globalisti i dekadentne lezbejke. Konzervativna i klerikalna zavera ćutanja, zataškavanja i zatvaranja očiju pred realnošću je ta koja je stvarna opasnost.

Najzad, čak i da se u ovim obrazovnim paketima zaista nakaradno, podlo i nekako "zguza" radi jedino o progresivnom seksualnom obrazovanju, a ne o sprečavanju seksualnog zlostavljanja - a šta je tačno loše u tome? U Vojvodini već godinama i sa fantastičnim uspehom traje projekat seksualnog obrazovanja. Da li to dečurlija i omladina po školama Srbije ne treba da čuje ništa o seksualnosti i seksu? Da li tinejdžerke možda ne treba da čuju da je normalno da i devojke masturbiraju? Ili

da ne moraju da pristanu na oralni seks ako to ne žele? Da mladi ne treba da se stide svog tela, ali ni da potiskuju svoje emocionalne i erotske želje i strasti prema suprotnom ili istom polu? Ukoliko nam je seksualnost naše dece i omladine nelagodna, problem je u nama, a ne u njima. Međutim, nismo mi ti koji će o tome da slušaju na času. Uostalom, nije li fajt sa belom kugom visoko na listi prioriteta ovih krstaških ratnika za tradicionalnu decu i još tradicionalniju porodicu? Pa, borba sa tom demografskom napasti odvija se upravo po spavaćim sobama. Narajcani borci protiv "seksualizacije dece" zaista kao da pristižu iz srednjeg veka ili bar iz doba pre brzog interneta. Naivno misleći da mladi već ne pretražuju sve i svašta, kao i da poodavno ne istražuju svoja i tuđa tela. Napumpani hormonima, oni su i seksualni i seksualizovani van svake mere. Pitanje je samo da li će o tim promenama, željama i osećanjima nešto suvislo i saznati ili neće. A šta je obrazovna alternativa? Pornografija? Sveto pismo? Pornografija u Svetom pismu? I naša deca su seksualna bića i nisu ih donele rode. A ukoliko to sami volimo da mislimo, ona sigurno misle i znaju drugačije.

**Radi se o kontroverzi povodom famoznih "obrazovnih paketa" za učenje o temi seksualnog nasilja nad decom, a koje je godinama pripremao i pilotirao Incest trauma centar iz Beograda. Na zamisao da se ovi sadržaji uključe u postojeće nastavne planove i programe bio je reagovao deo konzervativne, nacionalističke, klerikalne i homofobne javnosti, i to tekstovima, saopštenjima, peticijama, a ubrzo i "Sveroditeljskim" protestom "protiv seksualizacije dece u srpskim školama"**

***Zapitajmo se i zbog čega je ovoj ekipi zatucanih i homofobnih mračnjaka više stalo da zaštite decu od "zapadnih vrednosti" nego od pedofila?***

ЗАУСТАВИМО

ЗЛОСТАВЉАЊЕ И  
ЗАНЕМАРИВАЊЕ

# ДЕЦЕ

Шта је злостављање деце?



КАДА ТЕ ОДРАСЛИ ТУКУ.



КАДА ТЕ ОДРАСЛИ ИСКОРИШЋАВАЈУ



КАДА ТЕ ОДРАСЛИ ИСМЕВАЈУ



КАДА ТЕ ОДРАСЛИ ВЕРБАЛНО ЗЛОСТАВЉАЈУ (ВИЧУ НА ТЕБЕ ИЛИ ТЕ ВРЕЂАЈУ)



КАДА СЕ РОДИТЕЉИ ЈАКО СВАЂАЈУ И БИЈУ У ТВОМ ПРИСУСТВУ



КАДА ТЕ ОДРАСЛИ ОСТАВЉАЈУ БЕЗ НАДЗОРА



КАДА ТЕ ОДРАСЛИ ИГНОРИШУ ИЛИ ЗАНЕМАРУЈУ



КАДА ТЕ ТЕРАЈУ ИЛИ ПОДСТИЧУ ДА СНИТАШ, ПРОСИШ ИЛИ ПРОДАЈЕШ СВОЈЕ ТЕЛО



КАДА ОДРАСЛИ ОМАЛОВАЖАВАЈУ ТВОЈ ТРУД



КАДА ОДРАСЛИ ЗАНЕМАРУЈУ ТВОЈЕ ЗДРАВСТВЕНЕ ПОТРЕБЕ



КАДА ТИ НЕКО ПОКАЖУЈЕ ПОРНОГРАФСКИ МАТЕРИЈАЛ



КАДА ТИ ЗАБРАЊУЈУ ДА ИДЕШ У ШКОЛУ



КАДА ТЕ ОДРАСЛИ ТЕРАЈУ ДА ИХ ДОДИРУЕШ НА НЕПРИМЕРЕНИМ МЕСТИМА



КАДА ТЕ ОДРАСЛИ ОСТАВЉАЈУ, ГЛАДНОГ, ПРЉАВОГ ИЛИ НЕАДЕКВАТНО ОБУЧЕНОГ



КАДА ТЕ НЕКО ДОДИРУЕ ТАМО ГДЕ НЕ ЖЕЛИШ ДА БУДЕШ ДОДИРИВАН

**!** АКО СЕ ТЕБИ МОЖДА ДЕШАВА НЕШТО ОД ОВОГА, ИСПРИЧАЈ ТО СВОМ ЛЕКАРУ ИЛИ МЕДИЦИНСКОЈ СЕСТРИ, ОНИ ЋЕ ЗНАТИ КАКО ДА ТИ ПОМОГНУ.







Пројекат финансира ЕУ у партнерству са УНИЦЕФ-ом

## Popadić conferred a reward **E**

Dušica Popadić, founder and director of the Incest Trauma Center – Belgrade, is the recipient the Association of the Fulbright Scholarship Association of Serbia award, which was conferred by USA ambassador to Serbia Kyle Scott. Popadić received the award “Leader 2017” for her contribution to positive social changes achieved in 2016 in the sphere of extending support to child and adult sexual abuse survivors, as well as for her work on the prevention of child sexual abuse.



Datum: 26.05.2017

Novina: Alo!

Autor: N.N.

Naslov: Nagrada Popadićevoj

Strana: 10

Rubrika: Vesti

Tema: Incest trauma centar



### ► Nagrada Popadićevoj

**DUŠICA** Popadić, osnivač i direktor Incest trauma centra Beograd dobitnica je nagrade Udruženja Fulbrajtovih stipendista Srbije, koje joj je uručio ambasador SAD Kaji Skot. Popadićeva je nagradu „Predvodnik 2017“ dobila za doprinos pozitivnim društvenim promenama postignutim tokom 2016. u oblasti pružanja podrške deci žrtvama seksualnog nasilja i osobama koje su preživele seksualno nasilje u detinjstvu, kao i za rad na prevenciji nasilja nad decom.



27/05/2017 – Danas (daily newspaper)

## WHO IS TROUBLED BY THE INCEST TRAUMA CENTER

In the early nineties of the past century, the feminists tackled the issue of domestic violence and incest. They translated piles of books, attended educational courses in the Netherlands, Germany, Austria, USA. They learned a lot and the most educated persons regarding these topics, Dušica Popadić and Ljiljana Bogavac incepted the Incest Trauma Center. Will the current ignorant Minister of Education do away with this unique place to date and impose petty-bourgeois melodramatic stories in place of the onerous truth underpinning incest, as one of the most malignant of crimes.

**E**

# Kome smeta Incest trauma centar

NADEŽDA RADOVIĆ

**M**inistar obrazovanja zabranio je Incest trauma centru da drži edukacije, za koje je inače regularno akreditovan, u školama o nasilju nad decom i incestu. Neki trabanti dižu javnu buku tvrdnjama da je na jednoj edukaciji profesora rečeno "Kuća (familija) je najnesigurnije mesto", što je inače slogan ženskog pokreta još od 1968, samo neupućeni to ne znaju. Ovaj slogan je potvrđen brojnim istraživanjima i konačno implicitno prihvaćen i u našem zakonodavstvu samim tim što je inkriminisan delikt nasilja u porodici i silovanja u braku. Nažalost, za mnoge žene i decu porodica je izvor nasilja.

Pošto me sećanje služi, podsetiću da su početkom devedesetih minulog veka feministkinje otvorile temu nasilja u porodici i incesta. Prevele su gomile knjiga, prošle kroz edukacije u Holandiji, Nemačkoj, Austriji, SAD, naučile mnogo i najedukovanije na te teme Dušica Popadić i Ljiljana Bogavac registrovale Incest trauma centar.

I danas sam u kontaktu sa ženama koje su preživele, same ili njihova deca, ovaj zločin. Njihova iskustva sa Incest trauma centrom su izrazito pozitivna.

Prvi slučaj incesta na beogradskom SOS telefonu za žene i decu žrtve nasilja, četvorogodišnja devojčica je eklatantan primer ovdašnje prakse. Otac-incestnik je bio inspektor SUP-a. Rade Marković, koji će verovatno biti doživotno u zatvoru, tadašnji funkcioner beogradskog SUP-a je imao više sluha no nepomenuti ovdašnji ministar. Uvek mi smešak izazove moja i Verina (Vera Litrićin, lekarka) pretnja Radetu Markoviću da će pedeset žena doći pred SUP sa transparentom "Inspektor SUP-a je incestnik". Mora da je i njemu bilo smešno. Ali, imao je dušu i incestnik se više nije približio svojoj ćerki. Treba reći da je pet lekara iz Tiršove povuklo svoje potpise kada su shvatili da je incestnik policajac. Tada nije bilo nijedne institucije u državi koja bi se suprotstavila ovom zločinu. Ovu epizodu navodim jer je petnaest godina kasnije Incest trauma centar podržavao mladu ženu da izađe iz košmara čije poreklo joj je bilo nejasno, onu četvorogodišnju devojčicu.

Hoće li sadašnji neuki ministar obrazovanja da ukine to i dalje jedino mesto i da umesto teške istine koja prati incest, jedan od najzloćudnijih zločina nametne malograđanske melodramatske priče.

Uostalom, nije on jedini koji razvodnjava, briše, negira, ukida postignuto. Nedavno nas je direktorka Zavoda za rodnu ravnopravnost Voj-

POČETKOM DEVEDESETIH MINULOG VEKA FEMINISTKINJE SU OTVORILE TEMU NASILJA U PORODICI I INCESTA. PREVELE SU GOMILE KNJIGA, PROŠLE KROZ EDUKACIJE U HOLANDIJI, NEMAČKOJ, AUSTRIJI, SAD, NAUČILE MNOGO I NAJEDUKOVANIJE NA TE TEME DUŠICA POPADIĆ I LJILJANA BOGAVAC REGISTROVALE INCEST TRAUMA CENTAR. HOĆE LI SADAŠNJI NEUKI MINISTAR OBRAZOVANJA DA UKINE TO I DALJE JEDINO MESTO I DA UMEMO TEŠKE ISTINE KOJA PRATI INCEST, JEDAN OD NAJZLOĆUDNIJIH ZLOČINA NAMETNE MALOGRAĐANSKE MELODRAMATSKE PRIČE

vodine častila svojom vrlo originalnom teorijom o rodnoj ravnopravnosti insistirajući na ravnopravnosti muškaraca (sic!). Ima li žena oči? O statistici da ne govorimo.

Elem, svima je jasno da SNS nema kadrova. Ljudi od integriteta neće da prljaju svoje biografije saradnjom sa neukima, sklonim poltronstvu i lažima. Samo hajde da za greške koje prave i osionio javno reklamiraju, a izjava dotičnog ministra je baš to i nije jedina glupost koju je izvalio, ministar snosi posledice. Neopoziva ostavka je najmanje što može da se uradi za boljitak dece u ovoj zemlji.

**Autorka je dugogodišnja aktivistkinja ženskog pokreta**

DUŠICA POPADIĆ RECEIVES THE FULBRIGHT AWARD  
ENGAGEMENT IN THE PROTECTION OF CHILDREN



Datum: 29.05.2017

Novina: Dnevnik

Autor: N.N.

Naslov: Ангажман у заштити деце

Strana: 6

Rubrika: Društvo

Tema: Incest trauma centar



ДУШИЦИ ПОПАДИЋ ДОДЕЉЕНА Фулбрајтова награда

## Ангажман у заштити деце

Оснивач и директор Инцест траума центра Београд Душица Попадић је овогодишња добитница награде Удружења Фулбрајтових стипендиста Србије, а уручио јој је амбасадор САД Кајл Скот. Како је саопштено из тог удружења, Попадић је награду Предводник 2017. добила за допринос позитивним друштвеним променама постигнут током 2016. у области пружања подршке деци жртвама сексуалног насиља и особама које су преживеле сексу-

ално насиље у детињству, као и за рад на превенцији насиља над децом кроз образовне програме.

Њена прича је веома инспиришућа и надам се да ће ова награда подићи свест људи о сексуалном насиљу", рекао је Скот.

Професорка Факултета политичких наука Снежана Миливојевић и председница Жирија за доделу награде Предводник је рекла да је Попадић показала предводништво у изузетно комплексној области друштвеног де-

ловања и да њен рад „на фундаменталан начин доприноси остваривању права детета кроз конкретна залагања и акције.

Удружење Фулбрајтових стипендиста Србије установило је 2016. године награду за професионалну изврсност Предводник/Предводница у циљу афирмације изврсности у развоју науке и истраживања, унапређења струке или професије, као и промоције позитивних друштвених промена. ■

*The Incest Trauma Center calls upon the authorities to conduct supervision over Minister Šarčević's decision*

**THE MINISTRY AGAINST THE INTEREST OF CHILDREN**



.... Reported Public Statement no. 2 of ITC.



Datum: 02.06.2017

Novina: **Danas**

Autor: N.N.

Naslov: Ministarstvo protiv interesa dece

Strana: 6

Rubrika: Društvo

Tema: Incest trauma centar



*Incest trauma centar poziva vlasti da izvrše nadzor odluke ministra Šarčevića*

## Ministarstvo protiv interesa dece

**Beograd** - Incest trauma centar - Beograd pozvao je juče Vladu Srbije i parlament da izvrše nadzor nad odlukom Ministarstva prosvete, nauke i tehnološkog razvoja da povuče obrazovne pakete o seksualnoj edukaciji koje je upravo izradila ova organizacija.

Iz Incest trauma centra podsećaju da je posle pet meseci uzastopne zajedničke promocije Obrazovnih paketa prema vrtićima, osnovnim i srednjim školama u gradovima i nakon izdavanja Posebnog uputstva za primenu Obrazovnih paketa za sve obrazovno-vaspitne ustanove u Srbiji koje su započele proces primene sadržaja za učenje o temi seksualnog nasilja, Ministarstvo prosvete „radikalno promenilo politiku“ u sprečavanju i zaštiti

dece od seksualnog nasilja, „a koja ne prati i u suprotnosti je sa najboljim interesom deteta“.

Zbog toga, Incest trauma centar poziva parlament i Vladu da hitno podstaknu doslednu primenu Obrazovnih paketa za

2013. kao zajedničke Inicijative Incest trauma centra - Beograd i Skupštine Srbije - da predstavlja model najboljih sistemskih rešenja u oblasti seksualnog nasilja u Evropi“, naglašavaju iz Incest trauma centra.

### Obustavlja se novčano ulaganje

Incest trauma centar - Beograd privremeno će obustaviti ulaganje novčanih sredstava u sferu obrazovanja „do povratka Ministarstva prosvete Srbije na politiku pravilnog sprečavanja i zaštite dece od seksualnog nasilja, doslednu primenu UN Konvencije o pravima deteta, Lanzarote Konvencije, Zakona o zabrani diskriminacije i Zakona o rodnoj ravnopravnosti Republike Srbije“.

učenje o temi seksualnog nasilja, kao što je već Posebnim uputstvom potvrđeno još od 01. septembra 2017. „Ovim će Republika Srbija nastaviti - nakon ukidanja zastarevanja seksualnih delikata nad decom u aprilu

Iz ove organizacije podsećaju da je još 18. novembra 2016. aktuelni ministar prosvete svojim potpisom na zahvalnicama koje su uručene za 24 autorke i autora, „garantovao priznanje za kvalitet Obrazovnih paketa i

njihovog doprinosa sprečavanju i zaštiti dece od seksualnog nasilja“. Podsetimo, nakon što je Incest trauma centra da su Obrazovni paketi za učenje o temi seksualnog nasilja svojina tog centra i da se ne mogu revidirati a da se ne povrede njihova autorska prava, Ministarstvo prosvete donelo je odluku da te obrazovne pakete u potpunosti povuče iz upotrebe. Istovremeno je odlučeno da se u narednom periodu formira tim stručnjaka, dečijih psihologa i pedagoga, koji će izraditi novi pomoćni materijal za nastavnike i vaspitače namenjen prevenciji i sprečavanju seksualnog nasilja nad decom. A sve je prethodilo velikom pritisku grupe javnosti da se ovi paketi povuku, jer su navodno neprimereni. **D. D.**



The non-government organization whose Educational Packs have been withdrawn due to their inappropriate content have announced that because of that their further investment in education will be discontinued

The Minister of Education has been accused of breaching international conventions and domestic legislation, which was coupled by an appeal to the National Assembly and the Government to get back on the right track



Datum: 03.06.2017

Novina: Politika

Autor: Jelena Popadić

Naslov: Инцест траума центар поново траумира министра Шарчевића

Strana: 7

Rubrika: Društvo

Tema: Incest trauma centar



## СЕКСУАЛНО ОБРАЗОВАЊЕ – ЗАПЛЕТ ПОСЛЕ ЕПИЛОГА

# Инцест траума центар поново траумира министра Шарчевића

- Невладин организација чији су образовни пакети повучени због непримереног садржаја објавила да ће због тога прекинути улагања у просвету

После месец и по дана ћутања, јавности су се јуче обратиле представнице организације Инцест траума центар, ауторке спорних Образовних пакета за учење о сексуалном насиљу на децом. Подсећамо, овај наставни материјал, намењен школама и вртићима, Министарство просвете је повукло из употребе након негодовања стручне и шире јавности због садржаја непримерених узрасту деце, нашој култури и традицији.

Представници Инцест траума центар јуче су саопштили да је ова организација уочила „радикалну промену политике Министарства просвете када је у питању заштита деце од сексуалног насиља“. Ова промена, како наводе, у супротности је са најбољим интересом детета.

Осим тога, они су обавестили јавност да ће „привремено обуставити улагање новчаних средстава у сферу образовања до повратка министарства на политику правилног спречавања и заштите деце од сексуалног насиља, доследну примену УН конвенције о правима детета, Ланзаротне конвенције, Закона о забрани дискриминације и Закона о родној равноправности“.

У саопштењу је посебно наглашено да су у сферу образовања улагали од 2009. године, без прецизирања о којој суми је реч и где је тај новац завршио.

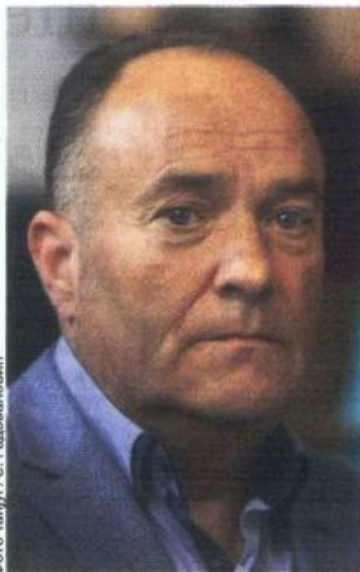


Фото Танјуг/С. Радовановић

Младен Шарчевић

Не знам ништа о њиховим досадашњим улагањима, проверићемо. Али наглашавам да нам њихов новац не треба

Министар просвете Младен Шарчевић за наш лист каже да не зна ништа о наводним улагањима Инцест траума центар у образовање.

– Проверићемо, али морам да истакнем да нам њихова улагања нису ни потребна – изјавио је Шарчевић напомињући да од када је он на челу министарства већина активности се спроводи уз сарадњу стручњака који волонтирају. Он је још једном напоменуо да представници Инцест тра-

- Министар просвете оптужен да је одступио од међународних конвенција и домаћих закона, уз позив скупштини и влади да га врате на прави пут

ума центар никада нису позвали министарство и затражили званичан састанак због скандала који је избио након што су поменути Образовни пакети за учење о сексуалном насиљу прослеђени школама.

Такође, он је истакао да новац који помиње Инцест траума центар нису добили из буџета Србије, већ од својих донатора.

У јучерашњем саопштењу Инцест траума центар позива Скупштину и Владу Србије да подстакну Министарство просвете на доследну примену одбачених образовних пакета. Према њиховом мишљењу, само на тај начин ће Србија „наставити да представља модел најбољих системских решења у области сексуалног насиља у Европи“.

Међутим, Министарство просвете, као што су већ најавили, планира да формира стручни тим који ће израдити нове образовне пакете о сексуалном насиљу над децом будући да Инцест траума центар није пристао на прилагођавање већ израђеног наставног материјала, објашњавајући да би свака редактура или скраћивање представљала повреду ауторских права. Након што су обзналили такав став, Министарство просвете је повукло спorne пакете из употребе и раскинуло сваку врсту сарадње са овом невладином организацијом.

Јелена Попадић



Datum: 08.06.2017

Novina: Danas

Autor: M.M. Stevanović

Naslov: Umesto o kvalitetu, spor o štetnosti priručnika

Strana: 6

Rubrika: Društvo

Tema: Incest trauma centar



Nastavljaju se kontroverze oko obrazovnih paketa o seksualnom nasilju nad decom

# Umesto o kvalitetu, spor o štetnosti priručnika

TRAGOM

**Beograd** - U obrazovnim paketima o seksualnom nasilju nad decom Incest trauma centra (ITC), koje je Ministarstvo prosvete povuklo iz upotrebe, ima više propusta, smatraju sagovornici/ce Danasa, ali oni nisu greška ITC koliko samog Ministarstva. Ipak, rasprava o kvalitetu ovog materijala svela se na polemiku o „promovisanju homoseksualnosti“, odnosno sadržini koja „ne odgovara našoj tradiciji“, koje su potekle iz najkonzervativnijeg dela javnosti.

Seksualno nasilje nad decom i seksualno obrazovanje nesumnjivo je važna oblast koja dosad nije bila adekvatno pokrivena u obrazovnom sistemu kao ključnom mestu za prevenciju ove pojave.

Kako za Danas ističe Nada Sekulić, antropološkinja i profesorica Filozofskog fakulteta u Beogradu, reč je o društvenim praksama koje su nevidljive i koje se upravo zato uspešno reprodukuju u tajnosti privatnog života, usled čega neka deca trpe bez mogućnosti da podeli svoja iskustva sa drugima i zatraže pomoć.

- Dodatno je veliki problem što se nasilje prećutno toleriše, često i od strane osoba koje su najbliže detetu - kaže Sekulić.

Međutim, kad je reč o sadržaju samog paketa, naša sagovornica smatra da je Ministarstvo prosvete trebalo ozbiljnije da pristupi tom poslu i da ga osmisli sarađujući direktno sa školama, nastavnicima, psiholozima, pedagogima, kao i roditeljima, koristeći pritom i nevladin sektor.

- Umesto toga, za Ministarstvo je bilo najjednostavnije da angažuje jednu nevladinu organizaciju, koja je zatim angažovala određeni broj partnera i

osmislila priručnik bez ikakvog feedbacka od škola, roditelja itd. To je veliki propust, ne toliko samog Incest trauma centra, koliko Ministarstva prosvete, koje je po prirodi svoje delatnosti upućeno direktno, a ne preko nevladinih organizacija, na obrazovni i vaspitni sistem - kaže Sekulić.

Ona takođe smatra da u priručniku nije jasna razlika između edukovanja nastavnika i edukovanja dece, da on ovako predstavlja „proizvod gotov za upotrebu“, čime je preskočen čitav niz koraka koje će nastavnik morati da realizuje. Ona navodi primer poglavlja koje se odnosi na tradiciju.

- Polazište u ovom poglavlju je da tradicija može biti dobra i loša i didaktički je ono osmišljeno tako da omogući deci da postavljaju pitanja šta je dobro, a šta loše u našoj tradiciji. Da bi nastavnik radio na taj način, on/a sam/a treba da ima kritički odnos prema tradiciji, kao i komunikaciju sa roditeljima. Ovde se ceo kontekst postojanja kritičke svesti podrazumeva, mada uopšte ne znači da on postoji, kaže Sekulić.

Međutim, u javnosti su postali najpoznatiji sadržaji o analnom i oralnom seksu ili ženskom kondomu, koji zauzimaju veoma mali deo ovog obimnog obrazovnog paketa, a koji su našli na veliku osudu. Prema mišljenju naše sagovornice, ovaj deo, koji sadrži najčešće postavljana pitanja o seksu, treba da bude sugestija vaspitačima šta bi mogli da odgovore deci a da ih ne učutkaju. Ipak, dodaje ona, priručnici koji su namenjeni ovako širokoj upotrebi treba da minimalizuju sadržaje oko kojih mogu da postoje velika neslaganja, i isključivo je „na Ministarstvu bilo da uskladi i proceni prihvatljivost tog sadr-

žaja za opštu upotrebu“.

Kritika dela javnosti bila je usmerena i na način na koji je obrađena seksualna orijentacija, jer se izjednačenost heteroseksualnosti i homoseksualnosti doživljava kao „promocija“ ove druge.

- Sa stanovišta Incest trauma centra, heteroseksualnost i homoseksualnost su sasvim izjednačeni i to je potpuno legitimno za nevladinu organizaciju. Ali država zaista nema obavezu da u svojim obrazovnim paketima promovise isti takav pristup i sasvim je legitimno da favorizuje reproduktivnu seksualnost, jer je ona ključni deo društvene reprodukcije - kaže Sekulić, dodajući da je Ministarstvo istovremeno u obavezi da onemogući diskriminaciju seksualnih manjina, kao i stigmatizovanje nereproduktivnog seksualnog života.

Međutim, upravo negativan stav prema homoseksualnosti pokazao se u burnim reakcijama kritičara Obrazovnih paketa, kojima je, kako se čini, Ministarstvo podleglo.

Miloš Jovanović, sociolog i docent na Filozofskom fakultetu u Nišu, smatra da je u pitanju jedan duboko ukorenjen negativan stav prema seksualnoj različitosti koji je u osnovi iracionalan.

- Mislim da je veliki problem to što se svako pominjanje homoseksualnosti van konteksta patologizacije, kriminalizacije ili moralističke osude smatra nie-moralnom promocijom, koja se vidi kao siguran korak ka razaranju ili makar sigurnom kvarenju društva - navodi Jovanović.

Nakon povlačenja paketa iz upotrebe, Ministarstvo je saopštilo, između ostalog, da neki delovi nisu u skladu sa „karakteristikama naše tradicije“.

Kako ističe Jovanović, pozi-

vanje na „našu kulturu i tradiciju“ moglo se čuti u saopštenjima SPC u vezi sa održavanjem Parade ponosa ili donošenjem Zakona o zabrani diskriminacije.

- Jezgro svakog konzervativnog stava je želja za izbegavanjem promene. Argument koji se često koristi je upravo vrednost tradicije kao oprobano načina na koji se stvari rade. Situacija se jako komplikuje kad neko tradicionalno rešenje više ne daje odgovarajuće rezultate. Stoga bih rekao da je fetišizacija tradicije pogrešna strategija, jer se svet neprestano menja i zahteva jedan kreativan odnos upravo prema toj tradiciji koji bi bio primereniji drugačijem socijalnom kontekstu - kaže Jovanović.

Lepa Mladenović, klinička psihološkinja za rad sa ženama sa traumama seksualnog nasilja, napominje da je u Srbiji 3 odsto devojčica „pod opravdanim tradicijom prisilno udato sa 12 i 13 godina, što znači da su one bez ikakvog znanja o seksualnosti u svoje bračne noći gurnute u silovanje“.

- Svakako da nam treba znanje o telu i seksualnosti od vrtića pa nadalje. Sadržaj Priručnika kaže da želimo slobodne, sigurne i snažne devojčice i dečake koji nisu okovani „tradicijom“, jer se fenomen tradicije ovde koristi u cilju represije i diskriminacije od strane konzervativnog dela obrazovane elite, kaže Mladenović i naglašava da se pod plaštom tradicije održava muška dominacija nad ženama i decom i krije prisilna heteroseksualnost.

Iz Ministarstva prosvete nismo dobili obrazloženje o povlačenju priručnika.

M. M. Stevanović

## Sonja Lokar addresses an open letter to Vucic

Executive Director of the CEE Network for Gender Equality in Ljubljana, Sonja Lokar, addressed a public letter to the President of Serbia, the Speaker of the Parliament, the Minister of Education, and other representatives of the Gender Equality Body, expressing her concern over the “prejudice-based ignorance” clampdown targeting excellent programs for sex education for kindergartens and schools. The letter points out that “a major positive innovation has lost the Government’s support overnight”, thus many children will be sacrificed to Serbia to satisfy the long-recognized stereotypes and misconceptions. “The political struggle against the bias of pledging allegiance to traditional values and firmly held beliefs has never been easy. It has always required both knowledge and courage to fight off and strive for innovation that brings progress to humanity,” the letter said.



Datum: 08.06.2017

Novina: **Danas**

Autor: M.M. Stevanović

Naslov: Umesto o kvalitetu, spor o štetnosti priručnika

Strana: 6

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### Porodica u tranziciji

Sporno u javnosti je bilo i to što se u paketima sugerise da porodica nije uvek sigurno mesto, iako se ovaj vid nasilja najčešće dešava upravo u krugu porodice. Naša Sekulić napominje da porodica prolazi prolazi tranziciju kao i sve drugo u društvu. „Danas postoji sve više samohranih roditelja, alternativnih formi partnerskih zajednica, a nuklearna porodica u svom tradicionalnom obliku takođe trpi promene, odnosi muškaraca i žena nisu više isti i ne mogu da ostanu isti kao pre pedeset ili više godina. Nažalost, postoji nešto što se zove „kognitivna disonanca“ – u situacijama kada nesigurnost jača, ljudi su skloni, upravo zbog te nesigurnosti, da se čvrsto drže obrazaca koji im simbolički daju sigurnost (kao što je ideal tradicionalne patrijarhalne porodice), ali ih onespobijavaju da se na produktivan način nose sa društvenim promenama – kaže Sekulić.

### Otvoreno pismo Sonje Lokar Vučiću

Izvršna direktorka CEE Mreže za rodnu jednakost u Ljubljani Sonja Lokar uputila je javno pismo predsedniku Srbije, predsednici parlamenta, ministru prosvete, i drugim predstavnicima tela za rodnu ravnopravnost, u kojem izražava zabrinutost zbog „hajke, bazirane na predrasudama i neznanju“ koja se obrušila na „odlične programe“ o seksualnom obrazovanju za vrtiće i škole. U pismu se ističe da je „velika pozitivna inovacija preko noći izgubila Vladinu podršku“, čime će mnoga deca u Srbiji biti žrtvovana kako bi se udovoljilo davno prepoznatim stereotipima i pogrešnim verovanjima. „Politička borba protiv predrasuda i zaklinjanja na tradicionalne vrednosti i čvrsto uvrežena uverenja nikada nije bila jednostavna. Uvek je trebalo imati znanja i hrabrosti da se stane na crtu i izbori za novine koje donose napredak čovečanstvu“, navodi se u pismu.



## THE INCEST TRAUMA CENTER IS UNYIELDING IMPOSING THE SEXUAL MANUAL TO THE SCHOOLS



### The children will be sacrificed

The ban of these scandalous instructions even prompted Sonja Lokar, Executive Director of the Ljubljana Office of the Gender Equality Network\*, to react by addressing a letter to President Aleksandar Vučić, Speaker of the National Assembly Maja Gojković, President of the Committee for Human and Minority Rights and Gender Equality Meho Omerović and to the Minister of Education, saying that many children will be sacrificed in that way.

\*The correct title: CEE Network for Gender Issues.



Datum: 09.06.2017

Naslov: Seksualni priručnik na silu guraju u škole

Novina: Srpski telegraf

Strana: 8

Autor: N.N.

Rubrika: Ostalo

Tema: Incest trauma centar



### INCEST TRAUMA CENTAR NE ODUSTAJE



## Seksualni priručnik na silu guraju u škole

Božu i Tinu i dalje guraju u škole! Incest trauma centar, autor povučenih skandaloznih paketa o seksualnom obrazovanju kojima se nameću homoseksualni i lezbijski odnosi, apelovao je na Skupštinu i Vladu Srbije da izvrše nadzor nad odlukom Ministarstva prosvete o povlačenju paketa. Ovaj centar zahteva od nadležnih i da pod hitno podstaknu njihovu primenu.

I ne samo to, zbog povlačenja skandaloznih uputstava koje su hteli da nametnu srpskim đacima, centar je, kako je saopštio rešio da obustavi ulaganje novčanih sredstava u obrazovni sistem Srbije?! Obustava će, naveli su, važiti sve dok se „Ministarstvo prosvete ne vrati na politiku pravih sprečavanja i zaštite dece od seksualnog nasilja“.

Međutim, na koji način je ovaj centar ulagao

u obrazovanje, za šta tvrde da je trajalo od 2009, nije poznato, posebno što ni u Ministarstvu prosvete, kako ističu, nemaju saznanja o tome.

Postupak centra Jasna Janković, predsednica USPRS, ocenjuje kao još jedan agresivan čin kojim pokušavaju nasilno da izmene tradiciju ljudi koji žive na ovim prostorima.

- Hoće da nametnu da više ne moraju da budu mama i tata, već mogu biti i dve mame. Međutim, pošto ne mogu da promene nas, pokušavaju da promene svest dece ubeđujući ih da je tako nešto normalno - naglašava Jankovićeva i podseća da im je ministarstvo dalo šansu da pakete izmene, ali da su oni to odbili rečima da je to njihova intelektualna svojina.

Bojim se da ovome nije kraj i da će, ako im to ne prođe, pokušati da to proguraju ispod žita, kroz predmete i na druge načine - kaže Jankovićeva. J. D. J.



Jasna Janković

### Deca će biti žrtvovana

➔ Zbog zabrane ovih skandaloznih uputstava, reagovala je čak i Sonja Lokar, izvršna direktorka ljubljanske kancelarije Mreže za rodnu jednakost, koja je uputila pismo predsedniku Aleksandru Vučiću, predsednici Skupštine Maji Gojković, predsedniku Odbora za ljudska prava i ravnopravnost polova Mehi Omeroviću i ministru prosvete, rečima da će mnoga deca na taj način biti žrtvovana.



Datum: 12.06.2017

Stanica: **RTS 1**

Autor: Šuvalija Pešić Ana

Naslov: Seksualno nasilje – u svakom školskom odeljenju četiri žrtve

Emisija: Jutarnji dnevnik

Tema: Incest trauma centar

## Seksualno nasilje – u svakom školskom odeljenju četiri žrtve



Pre nekoliko dana javnost je uznemirena vešću da je seksualno napadnuta petogodišnjakinja u Šapcu, a pre nešto više od dvadeset dana beogradskoj policiji prijavljen je nepoznati muškarac koji je blizu škole u naselju Bežanijska kosa deci nudio slatkiše i igrice. Prva nacionalna studija pokazala je da su u svakom školskom odeljenju četiri deteta pretrpela seksualno nasilje – u uzrastu od 10 do 18 godina. Poruka upozorenja alarmirala je roditelje osnovaca u Beogradu. Iako se sumnjivi muškarac pojavljivao u blizini škole, direktorka kaže da je o tome niko nije zvanično obavestio. Ali jeste policiju. "Što se tiče poslednjeg slučaja prijave da je nepoznati muškarac uočen u blizini OŠ 'Dragan Lukić', policija je utvrdila o kom licu je reč, on je saslušan, podneta je krivična prijava i da je to prosleđeno nadležnom tužilaštvu", objašnjava inspektorka Odeljenja za suzbijanje maloletničke delinkvencije Marija Stanković. Ovaj slučaj nije retkost. Dvadeset prijava godišnje stigne u policiju. Najčešće zbog nedozvoljenih polnih radnji. "Živimo u sredini u kojoj se o tome malo priča, ako dete ima poverenje i smogne snage da se požali, nekad to neće biti roditelj, to može biti i psiholog da tome daju na važnosti", dodaje Stankovićeva. Na oprez alarmira i Incest trauma centar. Oni beleže i sedam poziva nedeljno zbog seksualnog zlostavljanja dece. Prva nacionalna studija pokazala je da su u svakom školskom odeljenju četiri deteta pretrpela seksualno nasilje – u uzrastu od 10 do 18 godina. A osim toga, bar četiri deteta imaju druga ili drugaricu koji su prošli kroz slične situacije. "U svakoj instituciji socijalne zaštite, zdrvstva, sudstva, tužilaštva, policije ima problema. I to je alarm, jer nema nijednog sistema koji će do kraja uraditi posao. Takođe nekoordinisanost sistema, događa se da jedna služba uopšte ne zna šta radi druga", kaže Dušica Popadić iz Incest trauma centra. Bolja koordinacija među državnim organima je samo deo rešenja problema od kog se neretko okreće glava. Broj žrtava seksualnog nasilja može da se smanji – dva su načina. "Jedno je dosledno sprovođenje zakona – Srbija uopšte nema loše zakone. Drugo je da se od vrtića do fakulteta uči o seksualnom nasilju, da bi deca mogla da prepoznaju i da se suprotstave", dodaje Popadićeva. Statistika upozorava i da su počinioci neretko osobe bliske detetu. Problem je i što ne postoji izvršenje zakonske obaveze prijavljivanja. I dalje samo pet odsto onih koji imaju saznanje da je dete seksualno zlostavljano u porodici prijavljuje.

## Who financed Educational Packs?

During 9.5 years of lobbying for introducing the topic of sexual violence against children in the national curriculum of kindergartens, primary and secondary schools, the financial support to the Incest Trauma Center – Belgrade was provided for this aim by the following donors: Delegation of European Union to Serbia (and Government of Serbia Office for Co-operation with Civil Society carrying out the obligation to provide the Delegation's grantees with a minor co-financing), Global Fund for Children US, World of Children US, Embassy of Australia, Reconstruction Women's Fund, Embassy of Canada, Embassy of Sweden, Institute for Sustainable Communities US and Directorate for Gender Equality within the Ministry of Social Welfare (body that doesn't exist anymore).

Depending on concrete year during these 9.5 years, we invested 60-70% of our total budget in the field of Education. The Republic of Serbia Ombuds Office contributed voluntarily with their expertise starting from 2012.

In 2016, when the Educational Packs were written and published, the financial contribution was given for this process by the World of Children US, Embassy of Canada and Reconstruction Women's Fund.

The work of 24 authors of Educational Packs was voluntary.

Everyone who contributed voluntarily to this process did so because they believed in the good cause for children.

The Ministry of Education never made any financial contribution.

# 2018

"Yes, the issue of SV is still very much neglected. We were very happy with the attempt of cooperation between ITC and MoE through introducing the Educational Packs. The withdrawal those Packs was an immense disappointment. We believe it was an excellent opportunity to make things better and the chance was missed. We hope the powers that be will realize their mistake. Secondly, monitoring per se is a very useful thing. Starting discussions about the issue of SV, opinion polls of students and parents contributes to at least open a discussion on the SV topic. This is a very important topic that needs to be addressed through various courses, empowering the children to talk about it."  
(a T from school with no experience)

"It should be discussed more, because now it is embarrassing to talk about it. It should be discussed with everyone, teachers, parents, children..."  
(a SPS student - ES)

# 2019

"We should learn about the issue of SV so that it doesn't happen to us in future."  
(a JPS student - ES)

"We have initiated a case in school against a PE teacher who removed a girl's shirt to see her surgery scar. We reported it to the class master and Parents' Council and we are waiting. We don't think anybody will react, we are very unhappy as parents of this class."  
(a NES parent)

"One should get informed, there is always something new to learn and one should live and learn. Thank you for dealing with this very important issue and for its not being a taboo any more."  
(a parent from ES)

"It is necessary to introduce the Educational Packs into the lessons."  
(a T from school with experience)

"We should deal with this issue more. Children should learn how to protect themselves from SV and how to report it, so violence will be reduced. Thank you for the invitation and the opportunity to discuss violence in this manner."  
(a parent from ES)



## **CHAPTER 4:**

# **WHAT REALLY HAPPENED WITH THE TOPIC OF SEXUAL VIOLENCE IN EDUCATION IN THE LAST THREE YEARS?**

**Maja Mamula, Ph.D., and Dušica Popadić**



**COMPARATIVE REPORT ON THE IMPLEMENTATION  
OF THE LANZAROTE CONVENTION  
IN THE FIELD OF EDUCATION  
IN THE REPUBLIC OF SERBIA 2017 – 2019**

**Maja Mamula, Ph.D., and Dušica Popadić  
December 2019**

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## 1. ABBREVIATIONS USED IN THE REPORT

|                             |                                                                                                        |
|-----------------------------|--------------------------------------------------------------------------------------------------------|
| <b>SV</b>                   | Sexual violence                                                                                        |
| <b>UN Convention</b>        | The United Nations' Convention on the Rights of the Child                                              |
| <b>Lanzarote Convention</b> | The Council of Europe's Convention on Protection of Children from Sexual Exploitation and Sexual Abuse |
| <b>ITC</b>                  | Incest Trauma Centar – Belgrade                                                                        |
| <b>ES</b>                   | School experienced in implementing various programmes combating sexual violence against children       |
| <b>NES</b>                  | Schools not experienced in implementing various programmes combating sexual violence against children  |
| <b>MoE</b>                  | Ministry of Education, Science and Technological Development                                           |
| <b>EAs</b>                  | Expert associates from primary and secondary schools                                                   |
| <b>Ts</b>                   | Primary and secondary school teachers                                                                  |
| <b>P/Gs</b>                 | Parents /guardians of school students                                                                  |
| <b>PS</b>                   | Primary school                                                                                         |
| <b>SS</b>                   | Secondary school                                                                                       |
| <b>JPS</b>                  | Junior age group of primary school students                                                            |
| <b>SPS</b>                  | Senior age group of primary school students                                                            |
| <b>CSOs</b>                 | Civil society organisations                                                                            |

## 2. SUMMARY OF THE MAIN FINDINGS

Incest Trauma Centar – Belgrade implemented a three-year project of “**Childminders United Regionally against Sexual Assault**”, financially supported by the European Union’s Delegation in the Republic of Serbia from 2017 to 2019. One of the milestones of the project was monitoring the implementation of the *Council of Europe’s Convention on protection of Children from Sexual Exploitation and Sexual Abuse* known as the Lanzarote Convention, during the three-year period (2017-2019.).

The purpose of the conducted analysis was to monitor the implementation of the Lanzarote Convention in Serbia over the three years, in order to get an indicative **picture of the implementation of suppression of sexual exploitation and sexual abuse of children within the educational system**, in order to develop the recommendations on improvement of measures for the implementation of the Lanzarote Convention in the educational system. The focus of the analysis was primarily related to the education and awareness raising of persons who work with children, education of primary and secondary school students through programmes and measures of preventive intervention and the manners of involving parents. Besides the above, within the analysis conducted, an opportunity was opened for testing the set indicators and instruments developed for monitoring the implementation of the Lanzarote Convention.

**This report contains data from three reports developed during the period 2017 to 2019.**

### THE GOALS OF MONITORING THE IMPLEMENTATION OF THE LANZAROTE CONVENTION

1. The chief aim of monitoring the implementation of the Lanzarote Convention was to enable an insight into the **degree of its implementation in the educational system**, from the viewpoint of expert associates, teachers, parents and students of primary and secondary schools.
2. The second goal was to **test the set indicators and instruments** developed for monitoring the implementation of the Lanzarote Convention, Chapter II – “Preventive Measures” from the perspective of expert associates, teachers, parents and students of primary and secondary schools.
3. The third goal was to **identify the problems** in implementation of the Lanzarote Convention in the educational system, on the basis of collected data, and **propose the options for improvement** of prevention of sexual exploitation and sexual abuse of the children in the Republic of Serbia.

For the needs of monitoring the implementation of the Lanzarote Convention, Chapter II – “Preventive Measures” **13 indicators** have been developed. The indicators are based on the replies provided by the expert associates (EA), teachers (T), parents and students of primary (PS) and secondary schools (SS), experienced in the implementation of preventive programmes against sexual violence (E) and those with no such experience (NES).

### METHOD AND SAMPLE

In collecting views, opinions and experiences of all stakeholders of this survey, two basic methods were used: discussion in focus groups (for primary and secondary school students and their parents) and the questionnaires completed individually or in groups (expert associates and teachers).

The final sample included **21 schools from 8 towns**:

- a) In **2017, 19 schools** participated: 14 PS and 5 SS, out of which 10 ES and 9 NES.
- b) In **2018, 19 schools** participated: 15 PS and 4 SS, out of which 9 ES and 10 NES.
- c) In **2019, 16 schools** participated: 12 PS and 4 SS, out of which 8 ES and 8 NES.

A total of **1,933 persons** participated, out of which: **306 expert associates and teachers; 637 parents and 990 students.**

Given the age differences, the students were divided into three groups: junior primary school (JPS) (3rd and 4th grades of PS) – 435 students, senior PS students (SPS) (7th and 8th grades of PS) - 421 students and a group of secondary school students (SS) – 134 students.

## THE RESULTS OF THE ANALYSIS CONDUCTED IN 2017, 2018 AND 2019

Regarding the knowledge and information about the issue of SV against children, significant differences among all target groups were noticed (EAs, Ts, students' parents and students) with respect to the schools, with **a conspicuously higher level of knowledge noticed with those coming with experience in implementing the SV-prevention programmes.**

Among students, besides their respective schools, a significant variable was **age** too, but not consistently, i.e. senior students systematically demonstrating a higher level of knowledge.

### EXPERT ASSOCIATES/TEACHERS

*Regarding the knowledge and information of EAs and Ts about the issue of SV against children, these target groups have evinced a considerable difference related to the vocation and their respective schools. A higher level of knowledge, by default, is connected with EAs and ES.*

Most EAs and Ts, regardless of their respective schools, are familiar with the **UN Convention on the Rights of the Child**, although a significant number of them could not participate in trainings on the rights of the child (below 50%, except for EAs from ES). Most EAs and Ts believe that **there is no obligation or recommendation** from higher educational instances to include training on the rights of the child as a mandatory prerequisite for work in schools.

Most EAs are familiar with the **Lanzarote Convention**, unlike Ts (below 50%). Both EAs and Ts from ES have better knowledge than their colleagues from NES, so they named more sources of training on this Convention. Also, in **defining SV** it is noticeable that EAs demonstrate a higher level of knowledge than Ts, by naming and recognising more forms and key elements of the SV definitions.

EAs and Ts had very few cases of **experience with reported** suspicions of SV against children.

Both EAs and Ts defined their treatment of **confidentiality of information** on children suspected to have experienced SV as professional, with special attention and to the best interest of the child.

Almost all EAs stated that they **knew all competent authorities and institutions** for reporting SV, unlike about half the Ts. The level of knowledge is higher among the EAs and Ts coming from ES.

Regarding the knowledge of **legal procedures in the field of education pertinent to recruitment of staff in educational institutions** including the checks on whether the candidates were or are under a disciplinary or penal proceeding which involves SV against children, EAs and Ts from ES have a manifestly higher level of knowledge, as well as that a vast majority of EAs are familiar with **legal procedures**, whereas the level of knowledge among Ts is lower (around 50%). To the question of the type of procedure in case of **suspicion of SV against a student** by a teacher both EAs and Ts made by far fewer references, which could indicate a lower level of knowledge.

The EAs demonstrated a higher level of knowledge about the **school-wide/nation/wide campaigns about the problem of SV against children**, while it is significantly lower among Ts (about 50% on average). Both EAs and Ts from ES demonstrated a higher level of knowledge on campaigns.

Most EAs and Ts believe that the **programmes for prevention of SV either do not exist or do not include children** in accordance with their age and possibilities to plan and implement preventive actions.

### PARENTS

*A great difference in the level of knowledge and information about the issue of SV against children is visible among parents depending on their children's respective schools. The ES parents by default show a higher level of knowledge and information.*

An extremely low number of parents is familiar with the **Lanzarote Convention** (range from 11% to 34%), with a little more information on the side of the ES parents, who also recognise more forms of SV. Most parents **do not know the legal age limit** below which it is forbidden for adults to have sexual intercourse with children, so they manifestly tend

to name an older age.

The parents' assessment of the extent to which they and their children are **familiar with sexual violence against children and the possibilities of protection from and report of SV** varies from year to year (from 32% to 66%). As the main source of information parents name media, while schools rank relatively low.

Most parents are not familiar with the **existence of prevention programmes** against SV in school which their children attend, even when their children go to schools that implement such programmes. A maximum of one third of parents believe that schools have such programmes.

The parents' assessment of whether they are **digitally literate to protect their children from potential violence** via modern technologies vary year in, year out (from 36% to 60%), with the number of parents who believe that they are digitally literate noticeable growing over the years.

Less than a half of parents **know the institutions to report a suspicion** or an experience of SV against children to. The level of knowledge is somewhat higher among the ES parents. As the point of report they most often name the police, schools and social welfare services. Almost a negligible number of parents had the **experience of reporting SV** to relevant authorities or school.

Most parents are not **familiar with legal procedures** in the field of education related to the recruitment of staff in educational institutions, nor with the procedures applied in case of suspicion of SV against students by the staff in educational institutions. Parents of ES students have somewhat higher degree of such insights.

The level of knowledge of **school-wide/nation-wide campaigns about the issue of SV against children** is extremely low among parents and varies from 11% to 52%. The ES parents have more knowledge of campaigns and name more sources of campaigns.

## PRIMARY AND SECONDARY SCHOOL STUDENTS

*Students vary in the level of information and knowledge of the SV issues depending on their respective schools and age.*

Noticeably, students can **recognise and/or name** most forms of SV against children, although a worryingly high majority do not know the legal age limit below which sexual intercourse with a child is prohibited.

As for the knowledge of the **Lanzarote Convention**, we can conclude that the situation is rather defeating, with a range between 0% and 55%. The ES students know more of the Convention, although the level of knowledge is extremely low, especially among PS age group. For most students, school is noticeably the **main source of information** about the Convention (pedagogue, teacher, civic instructor and class master).

Most students have not participated in the **SV prevention programmes**. It is evident that such participation is somewhat higher among ES, especially that of younger groups, but still dissatisfactory. Among the ES students, the fact that almost nobody participated in them is particularly disheartening. An extremely low number of students even **know of the existence of such programmes**, varying from 0% to 59%, with the exception of SS students from ES in 2018 (59%), the knowledge of ES students being expectably higher.

As to the question whether they **have been able to discuss the issue of SV with someone** so far, there are considerable differences among students. The range varies from the low 24% to the high 96%, depending on the age and school they come from. The PS students from ES evidently had more opportunities to discuss SV with someone. Among PS students, that difference is not significant.

To the question if they **knew who to refer to in case of SV**, a vast majority of students stated that they did. The ES students demonstrated a higher level of knowledge, as well as younger PS students. To the question **who they would turn to ask help**, students from both PS age groups would evidently refer to the competent institutions mainly (most often the police) or someone from school (pedagogue, psychologist, class master) as compared to SS students, with friends being significantly represented. In all the three age groups, no matter their respective schools, parents as the persons they would confide in score high. To the question of **whether they knew who they could refer to in school in case of SV** and sexual exploitation, almost all PS students clearly stated they knew who to address. To the sub-question

of **whether they would really refer to someone in case of SV**, a higher readiness of PS students is noticeable. The results among SS students are worrying. By default, almost none of them would not address anybody.

To the question of how many students knew of the **existence of free helplines (SOS) for children who have survived SV**, there is a visible range between 40% and 94%. As a rule, senior students show a higher level of knowledge.

To the question of **what they would do if a friend confided in them that he/she was suffering from SV**, certain age-related differences were found among students. PS students demonstrated a higher readiness to share such knowledge with an adult, primarily parents, teachers or pedagogue or psychologist. Among the SS students, a tendency of rather talking with the friend is prominent, and part of them would try to talk them into referring to an adult.

To the question of **whether it is more important to keep a secret (even if it is bad) or it is more important to tell someone** in order to help the friend or oneself, certain differences depending on the respective schools, and especially age, are noticeable. Almost all PS students believe that one should not keep it secretive, while, on the other hand, SS students significantly vary, between 14% and 92%. SS students have demonstrated a somewhat higher level of belief that one should confide in someone.

A very low number of students, especially from NES, have participated in the **programmes for preventing sexual violence**, which has a bearing on their suggestions for creating such programmes. Most often they named methods and forms of work that make an integral part of prevention programmes (lectures, workshops, talks, film screenings), with an addition of multimedia elements. To the question of who should implement that, other than teachers, a need for external experts to do it was prominent, as well as persons who have experienced SV themselves.

## RECOMMENDATIONS

**INDICATOR 1.** *The level of knowledge and awareness of the rights of children among teachers and expert associates working in permanent touch with children.*

**Recommendation 1:** It is necessary to organise trainings on the UN Convention on the Rights of the Child also **for expert associates, and especially for teachers**, who show a significantly lower level of knowledge of the Convention. It is important that expert associates in their respective schools share the knowledge and information with the teachers.

**INDICATOR 2.** *The level of knowledge of sexual exploitation and sexual abuse of children and the ability of teachers and expert associates working in constant touch with children to recognise sexual violence.*

**INDICATOR 5.** *The level of students' knowledge about sexual exploitation and sexual abuse of children.*

**INDICATOR 8.** *The level of awareness and knowledge of parents of the risks of sexual exploitation and sexual abuse of children.*

**Recommendation 2:** To lay the foundations of development of system-wise prevention of sexual abuse, in accordance with internationally ratified documents, as well as nationally binding protocols and rulebooks, it is necessary to:

**A)** Conduct regular and comprehensive trainings for expert associates and teachers on the issues of sexual violence against children, including the knowledge of the Lanzarote Convention, its role and obligations emanating from it, as well as all other key national documents (protocols and rulebook) including the topic of sexual violence against children.

**B)** Actively include parents of primary and secondary school students, organizing various forms of informing and educating them, in order to raise their awareness of the issue, to support the children in participating in such programmes, make way for open and unhindered communication about the topic with the children and be able to recognise and respond in case of SV suspicions.

**C)** Introduce systematic and continued education of primary and secondary school students on the issue of sexual violence against children. Such education should contain information on the Lanzarote Convention, the rights stemming out of it, but also specific information on recognising sexual violence, what to do if they or persons close to them experience sexual violence, who to refer to, as well as the information about the legal age limit for having sexual intercourse.

The first step is to organise specialist trainings on the Lanzarote Convention and the issue of sexual violence against children for expert associates and teachers.

The second important step is for expert associates to regularly provide additional information for teachers in their schools about the existence of the Lanzarote Convention and obligations emanating from it.

The third step is to organise special training on the Lanzarote Convention and the issue of sexual violence against children for the students' parents.

The fourth step is to introduce systematic and continued training of primary and secondary school students on the issue of sexual violence.

**INDICATOR 4.** *The awareness of mechanisms to check criminal records of persons applying for the job position of teachers and expert associates that implies contact with children.*

**Recommendation 3:** In order to enhance the knowledge of mechanisms to check criminal records of the persons applying for the job that implies working with children, it is necessary, within specialist training on sexual violence against children for expert associates and teachers to include the information about the legal procedures in the field of education related to recruitment of persons to educational institutions (**checking whether the candidates are or were under a criminal proceeding including sexual violence against children**). An additional emphasis should be placed on making the expert associates and teachers familiar with the procedures **in case of suspicion** that an employee of an educational institution has committed a form of sexual violence against students.

Also, it is important for the entire educational system, including schools themselves, to clearly and transparently name the procedures of checking all their future employees in their documents and other means of public communication (e.g. web pages), as well as the instruments for protection of students from SV by school staff.

**INDICATOR 6.** *The way the PS and SS students get familiar with the risks of sexual exploitation and sexual abuse.*

**INDICATOR 9.** *The way the parents of PS and SS students get familiar with the risks of sexual exploitation and sexual abuse.*

**Recommendation 4:** It is extremely important to include all three key groups into the implementation of the prevention programmes against sexual violence, primarily the school staff, (expert associates and teachers), parents and students.

**A) Expert associates and teachers** within education need to be clearly familiar with the curricula envisaged in compulsory education on preventing sexual violence against children and the obligations emanating there from.

**B)** In informing and educating **parents**, the key role and responsibility belong to schools. Inclusion of parents should take place at several levels: from informing the parents of the existence and implementation of such programmes at schools, to direct involvement through organising and implementing workshops for parents, in order to raise the awareness of the problem, inform of the forms, distribution and consequences of sexual violence, as well as the existing protective mechanisms. That raises the level and capacity of preparedness and security of parents so that they can discuss the issue with their children and facilitate the acceptance and understanding of such concepts for them, as well as the confidence to address them in case they or someone close to them survive sexual violence. Also, it is necessary to encourage the parents' readiness to react and report suspected cases of sexual violence.

**C)** Schools that implement such programmes should invest significant efforts in active advertising of such programmes among **students**, so that they get clear information of such programmes and may get involved.

**INDICATOR 3.** *The knowledge of teachers and expert associates about the mechanisms to report sexual exploitation and sexual abuse of children.*

**INDICATOR 7.** *The knowledge of students about the mechanisms to report sexual exploitation and sexual abuse of children.*

**INDICATOR 11.** *The knowledge of parents about the mechanisms to report sexual exploitation and sexual abuse of children.*

**Recommendation 5:** In order to make expert associates, parents, parents and students of primary and secondary schools with the mechanisms to report sexual exploitation and sexual abuse of children it is necessary to:

**A)** Organize and conduct continued and comprehensive trainings for **expert associates and teachers** on the issue of sexual violence against children, in order to give them all the necessary information relevant for their work, including the signs for recognition of sexual abuse of children, the manner of treating confidential information in keeping with the international and national documents and getting familiar with the work and competences of the institutions for reporting the suspicions of sexual violence. Also, it is necessary to encourage expert associates and teachers to report the suspicion of sexual violence by raising their awareness, knowledge and elimination of discomfiture and fear of reporting. It is extremely important to implement the training on the implementation of the “Rulebook on the Protocol of Actions Taken by Institutions as a Response to Violence, Abuse and Neglect”, as well as on other relevant documents, concretely explaining, formalizing and prominently delineating a two-way character of the cooperation between schools and relevant institutions, by having a clearly defined obligation that schools get feedback from the relevant institutions and schools themselves obliged to take a proactive role not only in reporting, but in exchanging information with relevant institutions after reporting SV against children.

**B)** Ensure the absolute right of **parents** to know that their children are safe at school, that the criteria of recruitment for persons working for children are completely clear to them as well as the procedures in case of suspicion that the school staff have committed sexual violence against children. The educational system is obliged to have developed, transparent, user-friendly and accessible information about the legislation on persons working in the educational system.

**C)** Ensure that the system’s preventive programmes developed for children enable students to openly discuss the issues of sexual violence, include specific information on who to address in case of sexual violence as well the importance to refer to someone instead of keeping the secret. However, it is even more important for such programmes to induce changes in attitudes and behavioural intentions, as a higher level than information and knowledge, as the replies of the **students** indicate precisely this as a critical point.

**INDICATOR 10.** *The level of parents’ digital literacy for protection of children while using modern technologies.*

**Recommendation 6:** In order to enhance the **parents’ digital literacy** it is necessary to organise regular and continued trainings on the use of the internet, advantages and threats brought by modern technologies, ways of keeping children informed as well as possibilities to protect children from potential abuse, in a way understandable and acceptable for them.

**INDICATOR 12.** *The knowledge of campaigns undertaken by the state and its institutions in order to raise the awareness of the issue of sexual exploitation and sexual abuse of children and possible preventive measures.*

**Recommendation 7:** In order to **raise the awareness** of the issue of sexual exploitation and sexual abuse of children, it is necessary to implement systematic campaigns that need to be ongoing, widespread (visible), through various communication channels and targeting various groups (children, youth, parents, staff of educational and instructive institutions, general public).

**INDICATOR 13.** *Participation of students in developing and implementation of programmes against sexual exploitation and sexual abuse of children.*

**Recommendation 8:** It is necessary for the Ministry of Education, Science and Technological Development, relevant services and schools to resolutely start systematically implementing certain prevention programmes of sexual violence against children.

The development and design of contents, as well as method of presentation of the contents should **necessarily involve students** so that they could participate in accordance with their age, interests, methods of learning and cognition, as well as to make such programmes as interesting and acceptable for children, thus as efficient as possible.

### 3. INTRODUCTION

The Incest Trauma Centar – Belgrade (ITC) implemented the project of “**Childminders United Regionally against Sexual Assault**”, financially supported by the Delegation of the European Union in the Republic of Serbia (2017-2019). One of the milestones of the project was monitoring the implementation of the implementation of the Council of Europe’s *Convention on Protection of Children from Sexual Exploitation and Sexual Abuse*, known as the Lanzarote Convention. In the implementation of the monitoring, the partner organisation to the Incest Trauma Centar – Belgrade was the Centre for Promotion of Women’s Health from Belgrade.

The available data indicate that **1 of 5 children in Europe is victim of a form of sexual violence**. The estimates are that in 70% to 85% cases the perpetrator is someone familiar to the victim. Sexual exploitation and abuse of children is multi-faceted. It can leave serious and far-reaching consequences, especially if the child does not get adequate assistance and protection and if the violence remains unrecognised and unreported.

The Lanzarote Convention was adopted by the Committee of Ministers in July 2007. It is the first international instrument that addresses the sexual abuse of children as crime, irrespective of where and who commits it (the child’s home, the institutions of child’s care, through organised crime networks or online) and made a significant breakthrough in preventing sexual violence against children, protection of children and combating the perpetrators’ impunity. It is fully focused on the respect for the rights of the child.

The Lanzarote Convention starts from the fact that sexual exploitation of children, in particular child pornography and prostitution, like any other form of sexual abuse of children, is extremely harmful to children’s health and psycho-social development. It highlights the growing number of sexually exploited and abused children, along with the growing use of information and communication technologies, as well as the fact that suppressing and combating it calls for international cooperation.

The Lanzarote Convention relies on a whole range of international documents, such as the UN Convention on the Rights of the Child, the Optional Protocol on Child Selling, Prostitution and Pornography; Protocol on Prevention, Suppression and Punishment of Smuggling of Human Beings, in particular Women and Children; the Recommendation of the Committee of Ministers no. R(91)11 on sexual abuse, pornography and prostitution, as well as trafficking in children and younger adults, Recommendation Rec(2001)16 on protection of children from sexual exploitation, and the Convention on Cyber Crime (ETS no. 185), especially its Article 9, as well as the Council of Europe’s Convention on Suppression of Trafficking in Human Beings (ETS no. 197); Convention on Protection of Human Rights and Fundamental Freedoms (1950, ETS no. 5); European Convention on Exercising Children’s Rights (1996, ETS no. 160); Framework Convention of the Council of the European Union on Prevention of Sexual Exploitation of Children and Child Pornography (2004/68/JHA), and many other.

The principle aim of the Lanzarote Convention is to contribute to the protection of children from sexual exploitation and sexual abuse, regardless of the perpetrator, in order to provide the victims with assistance.

Through 13 chapters and 50 articles, it emphasises the definitions of sexual exploitation and abuse, the importance of measures for suppression of sexual violence, establishing special expert coordination bodies, highlights the measures of protection of assistance for victims, names intervention programmes, the importance of substantive criminal law, investigation, prosecution and procedural law, record keeping and data storage. Also, it emphasises the importance of international cooperation and oversight mechanisms.

#### The key measures are:

- 1) Suppression measures (attention to recruitment of persons working with children, their education and sensitisation, raising the awareness of children as well general public of the problem,)
- 2) Protective measures (establishing assistance and support programme for child victims, as well as their families, helpline and counselling centre for assistance as well as encouraging the reporting of violence suspicions)
- 3) Measures related to criminal law (ensuring the recognition of various forms of sexual exploitation and abuse of children by the national criminal code, criminalisation of behaviours using modern technologies, collecting and storing data on perpetrators of sexual violence against children)

**4)** Child-friendly investigative and court proceedings (ensuring child protection during court proceedings in order to protect secondary victimisation, child-friendly court proceedings, protection of privacy, etc.)

**5)** Monitoring mechanism.

#### 4. THE ROLE OF INCEST TRAUMA CENTAR – BELGRADE AND THE COMMENCED PROCESS OF IMPLEMENTING THE EDUCATIONAL PACKS

Besides the ITC's role in monitoring the implementation of the Council of Europe's Convention on Protection of Children from Sexual Exploitation and Sexual Abuse in educational system over three years (2017-2019), the ITC was recognised by its other important roles among the involved target groups too.

ITC's role and the commenced process of implementing the Educational Packs were recognised to a significant extent by EAs, Ts, parents and students through an array of answers to the questions included in this review during the period 2017-2019.

Thus, ITC and its Educational Packs were named as:

- one of the **most frequent sources of training on the rights of the child**;
- the most frequently stated source of learning about the **Lanzarote Convention**;
- the most frequent source of training on SV for students, enabling the **students to discuss SV openly with someone**;
- the most frequently named source for **defining SV and sexual abuse of children** is precisely the definition used in trainings, and found within the National Study of the Social Issue of Sexual Abuse of Children in the Republic of Serbia (ITC, 2015) which includes the annex on the Lanzarote Convention (for example, in 2019, 49% ES parents defined SV in accordance with the National Study);
- the most frequent source of **awareness of the risks of SV against children**;
- the organisation that is the **most frequently named CSO to report SV to**; for example, in 2018, EAs from ES named the police as the first place to report SV to (70%) and ITC at the tantamount rate (70%).
- the organisation with which **significant cooperation in resolving specific cases has been achieved** regarding cases of suspected sexual violence against students and reports of sexual violence, with addition that it was owing to this cooperation that violence was processed and reported to the competent institutions, and the children were provided with support;
- the main source of learning about the **possible protective measures and reports of SV against children**;
- the main source whose **campaigns about the issue of SV against children are known at school and/or national level**. With that, EAs and Ts stated to be "familiar with many campaigns and preventive activities that most often resulted from cooperation with ITC and the commenced implementation of the Educational Packs (e.g. the "The Me Nobody Knows" campaign (2007–2012), ITC's film "Have I Told You I've Been Abused" (2009), a song "Stop the Silence" (2010), the Council of Europe's campaign with ITC as the main implementer, "ONE IN FIVE" (2013–2016), a picture book and video material "Kiko and the Hand" (2013), action "We Walk against Sexual Violence!" (2015), public lessons against sexual violence (2013-2016), ITC's campaign "I am here for you, too!" conducted by ITC's peer team (2016-2017), etc), through the campaign promoting the Educational Packs...". The highest level of knowledge about the campaigns was identified precisely among the EAs from ES, who were directly involved with implementation of the Educational Packs through cooperation with ITC;
- the most frequently stated source of the **experience in participation in any programme of child protection from SV and sexual exploitation**;
- the stated desired method for **designing preventive programme for SV against children, by the students**. Namely, besides teachers and external experts whom the students named as desired to implement the prevention programme, they also named the persons who have survived SV themselves, who have recovered from it and can now teach others about the issue. With that, it is important to know that ITC from its establishment in 1994 has promoted understanding of sexual trauma through a model focused on the person who has survived sexual trauma. With this regard, within the National Campaign against Sexual Abuse of Children that ITC conducted in Serbia during the period 2007-2017, it offered a range of activities conducted by the survivors of SV, thus representing role models.

The fact that gives rise to concern is that in 2019, as compared to the previous two years, the target groups named somewhat less contents and campaigns of ITC, which was quite expectable given the strategic focus shift of ITC's activities after the MoE's policy change in 2017 which turned out as contrary to the child's best interest by withdrawing the Educational Packs. Unfortunately, during the three years, no adequate "substitution" for learning about sexual violence was provided from another source.

## 5. THE GOALS AND INDICATORS OF MONITORING THE IMPLEMENTATION OF THE LANZAROTE CONVENTION

The purpose of the conducted analysis was to monitor the implementation of the Lanzarote Convention in Serbia's educational system during three years, in order to get a framework **picture of implementing the suppression of sexual exploitation and sexual abuse in the educational system**, in order to develop recommendations for the **improvement of the measures** for implementing the Lanzarote Convention in the educational system. The focus of the analysis was primarily related to education and awareness of persons working with children, education of primary and secondary school students through programmes and measures of preventive intervention, as well as the involvement of parents. Besides the above, within the analysis conducted, an opportunity was opened to test the set indicators and instruments developed for monitoring the Lanzarote Convention implementation.

### 5.1. THE GOALS OF MONITORING THE IMPLEMENTATION OF THE LANZAROTE CONVENTION

1. The main goal of monitoring the implementation of the Lanzarote Convention is to enable the insight into the **level of its implementation in the educational system**, from the perspective of expert associates, teachers, parents and students of primary and secondary schools.
2. The second goal is to **set and test the indicators developed instruments** for monitoring the implementation of the Lanzarote Convention, Chapter II – "Preventive Measures" from the perspective of expert associates, teachers, parents and students of primary and secondary schools.
3. The third goal is to **identify problems** in the implementation of the Lanzarote Convention in the educational system on the basis of obtained data and to **propose the options for improving** the prevention of sexual exploitation and sexual abuse in the RS.

### 5.2. INDICATORS

For the needs of monitoring the implementation of the Lanzarote Convention, Chapter II – "Preventive Measures" (Articles 5, 6, 8 and 9) 13 indicators were developed (table no. 1).

**Table no. 1.** Indicators developed for the needs of monitoring the implementation of the Lanzarote Convention, Chapter II – "Preventive Measures".

| ARTICLE 5. RECRUITMENT, EDUCATION AND AWARENESS RAISING OF THE PERSONS WORKING WITH CHILDREN                                                                                                                                                                                                      |                                                                                                                                                                                                |                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| MEASURE                                                                                                                                                                                                                                                                                           | INDICATOR                                                                                                                                                                                      | SOURCE                        |
| 1. Adopted legislative and other measures for <b>encouraging the awareness of child protection and rights</b> among the persons in regular contact with children (sectors of education, health care, social welfare, judiciary and police, etc.).                                                 | 1. The level of knowledge and awareness of the rights of children among teachers and expert associates working in permanent contact with children.                                             | Teachers<br>Expert associates |
| 2. Adopted legislative and other measures in order to ensure that the persons in regular contact with children have <b>adequate knowledge of sexual exploitation and sexual abuse</b> of children, of recognising such violence and reporting suspicions of sexual exploitation and sexual abuse. | 2. The level of knowledge of sexual exploitation and sexual abuse of children and recognising sexual violence among teachers and expert associates working in permanent contact with children. | Teachers<br>Expert associates |
|                                                                                                                                                                                                                                                                                                   | 3. The knowledge of mechanisms for reporting sexual exploitation and sexual abuse of children among teachers and expert associates.                                                            | Teachers<br>Expert associates |

## ARTICLE 5. RECRUITMENT, EDUCATION AND AWARENESS RAISING OF THE PERSONS WORKING WITH CHILDREN

| MEASURE                                                                                                                                                                                                                                                                                         | INDICATOR                                                                                                                                                                                        | SOURCE                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 3. Adopted legislative and other measures to ensure the conditions for access to professions the performance of which requires regular contacts with children stipulating that the candidates <b>have no criminal records for offences of sexual exploitation and sexual abuse of children.</b> | 4. The knowledge of existing mechanisms of clearance for criminal charges or records of persons applying for jobs that imply regular contact with children among teachers and expert associates. | Teachers<br>Expert associates |

## ARTICLE 6 EDUCATION OF CHILDREN

| MEASURE                                                                                                                                                                                                                                                              | INDICATOR                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | SOURCE                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Adopted legislative and other measures to ensure that children, during primary and secondary education, receive information about the risks of sexual exploitation and sexual abuse, as well as the ways of protection, adjusted to their development capacities. | 5. The level of students' knowledge about sexual exploitation and sexual abuse of children.<br><br>6. The way of getting primary and secondary school students familiar with sexual exploitation and sexual abuse.<br><br>7. The knowledge about the mechanisms for reporting sexual exploitation and sexual abuse among students.                                                                                                                                          | Primary and secondary school students<br><br>Primary and secondary school students<br><br>Teachers and expert associates<br><br>Primary and secondary school students                                                    |
| 2. Providing the information in cooperation with parents.                                                                                                                                                                                                            | 8. The level of awareness and knowledge of parents about the risks of sexual exploitation and sexual abuse.<br><br>9. The way the parents of primary and secondary school students get familiar with the risks of sexual exploitation and sexual abuse.<br><br>10. The level of digital literacy of parents for protection of children while using modern technologies.<br><br>11. Parents' knowledge of the mechanisms for reporting sexual exploitation and sexual abuse. | Parents of primary and secondary school students<br><br>Parents of primary and secondary school students<br><br>Parents of primary and secondary school students<br><br>Parents of primary and secondary school students |

## ARTICLE 8 MEASURES FOR THE GENERAL PUBLIC

| MEASURE                                                                                                                                                                             | INDICATOR                                                                                                                                                                                             | SOURCE                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. Promotion and conducting of campaigns for awareness raising and informing about the issue of sexual exploitation and sexual abuse of children and potential preventive measures. | 12. The knowledge of campaigns undertaken by the state and its institutions for awareness raising of the issue of sexual exploitation and sexual abuse of children and potential preventive measures. | Teachers<br>Expert associates<br><br>Parents of primary and secondary school students |

# ARTICLE 9 PARTICIPATION OF CHILDREN, PRIVATE SECTOR, MEDIA AND CIVIL SOCIETY

| MEASURE                                                                                                                                                                                                                                                        | INDICATOR                                                                                                                           | SOURCE                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1. The state will encourage participation of children in developing and implementing national policies, programmes and other measures relative to combating sexual exploitation and sexual abuse of children, in accordance with their development capacities. | 13. Students' participation in developing and implementing the programmes against sexual exploitation and sexual abuse of children. | Primary and secondary school students<br><br>Teachers and expert associates |

## 6. THE METHODOLOGY AND CONDUCTING OF THE ANALYSIS

### 6.1. METHODOLOGY AND CONDUCTING

The methodology for this survey was developed by Dr Stanislava Otašević and Snježana Mrše (Centre for Promotion of Women's Health, Belgrade), who also trained the survey conductors. In a later stage of the methodology development, definition of indicators and drafting the report, Dr Sci. Maja Mamula (Ženska soba ("Women's Room"), Zagreb) also participated.

The methodology for conducting this survey was the same all three years of conducting the survey. Due to the importance and sensitivity of the issue of sexual violence against children, in collecting data on monitoring the implementation of the Lanzarote Convention in the educational system, a combination of quantitative (questionnaires) and qualitative approaches and techniques (focus groups) was used, aiming at providing equal and active participation of all relevant stakeholders of the educational system: expert associates, teachers, primary and secondary school students and their parents, as well as at collection of their subjective attitudes, opinions and experiences about this topic.

Given the topic, monitoring and collecting data on the implementation of the Lanzarote Convention all contacts in schools and with all the stakeholders were organised and conducted by **8 members** of the *National Network of Schools and Kindergartens against Sexual Violence* (the National Network), who had undergone specialist trainings on the SV issues organised by ITC and who participated as authors in development of the *Educational Packs for Learning about the Issue of Sexual Violence in Primary and Secondary Schools in the RS* (the Educational Packs).

In collecting attitudes, opinions and experiences of all participants in this survey, two main methods were applied:

- a) discussion in focus groups (for primary and secondary school students and their parents)
- b) questionnaires completed individually or in groups (expert associates and teachers)

**The focus groups** as a technique of group discussion lasted for **45-90 minutes**. They were conducted by the above mentioned 8 members of the National Network and implemented according to the guidelines and discussion questions prepared in advance. The guidelines for conducting focus groups for students contained **15 questions/topics**, and the guidelines for parents **13**.

The number of participants in the focus groups from primary and secondary school students was **18** on average, within the range of 8-57 students.

The number of participants in focus groups for parents was **12** on average, within the range of 8-32 parents.

**The questionnaire** for expert associates and teachers included **16 questions**. It was submitted to schools' expert associates (in person or via email). The expert associates completed the questionnaire on their own, on behalf of their respective schools, while the teachers had the opportunity to fill it out in groups or individually, depending on the capacities.

In annex no. 1 there are three instruments developed for collecting data on monitoring the implementation of the Lanzarote Convention in the educational system:

1. Questionnaire for expert associates, teachers and educational institutions
2. Questions for focus groups with parents/guardians
3. Questions for focus groups with children

For the needs of monitoring the implementation of the Lanzarote Convention, the selected method was **comparison** between primary and secondary schools that have **undergone certain educational programmes** and work actively on prevention of sexual violence against children (ES) and those that **have not undergone any special training so far** and are not implementing any such preventive programmes (NES).

The survey was conducted three times: November-December 2017; September-October 2018 and September-October 2019.

## 6.2. THE SURVEY PARTICIPANTS

For the needs of developing the monitoring of the Lanzarote Convention implementation in the field of education in Serbia for 2017, 2018 and 2019, 20 schools were selected, bearing in mind the territorial coverage.

The planned sample consisted of 20 schools from 10 towns in Vojvodina, Sandžak, Central and South Serbia regions (Subotica, Temerin, Zrenjanin, Novi Sad, Belgrade, Niš, Nova Varoš, Prijepolje, Novi Pazar, Tutin).

**The ten first-selected** educational institutions were supposed to be the school which, according to the findings of the *National Network of Schools and Kindergartens against Sexual Violence* (the National Network) did not show a particular interest in the topic of sexual violence against children (NES), and their teachers and expert associates have not been additionally trained for and prevention programmes are not implemented there.

**The ten second-selected** educational institutions were supposed to be the schools that are members or candidates for membership in the *Network* (ES).

The planned sample was not completely accomplished. The final sample consisted of **21 schools from 8 towns** (Belgrade, Nova Varoš, Prijepolje, Novi Pazar, Tutin, Vrčin, Vinča and Bistrica), out of which 16 PS and 5 SS (10 ES and 11 NES):

- a) In **2017, 19 schools** participated: 14 PS and 5 SS, out of which 10 with experience and 9 with no experience.
- b) In **2018, 19 schools** participated: 15 PS and 4 SS, out of which 9 with experience and 10 with no experience. The 2018 schools were not identical as the 2017 schools. Two schools that participated in the 2017 analysis (PS “Oslobodioci Beograda” and SS for cosmeticians), were unable to participate again, so they were replaced with two PS (PS “22. Oktobar” and PS “Gornja Varoš”).
- c) In **2019, 16 schools** participated: 12 PS and 4 SS, out of which 8 with experience and 8 with no experience.

In 2017 and 2018, PS “Živko Ljuljić” from Nova Varoš had agreed beforehand and made a division into a class with experience and a class with no experience, so they were treated as two separate schools.

A total of **1933** persons participated in the survey (table no. 2), out of which:

- **306 expert associates and teachers**, out of which: 243 from PS and 63 from SS, 145 from ES and 161 from NES.
- **637 parents/guardians of primary and secondary school students**, out of which: 525 from PS and 112 from SS, 340 from ES and 297 from NES.
- **990 primary and secondary school students**, out of which: 856 from PS and 134 from SS, 519 from ES and 471 from NES.

**Table no. 2.** A total number of participants in the survey in 2017, 2018 and 2019

|                                                            | 2017 | 2018 | 2019 | Total |
|------------------------------------------------------------|------|------|------|-------|
| Associates and teachers                                    | 104  | 101  | 101  | 306   |
| Parents/guardians of primary and secondary school students | 187  | 238  | 212  | 637   |
| Primary and secondary school students                      | 293  | 365  | 332  | 990   |
| Total                                                      | 584  | 704  | 645  | 1933  |

**The students** were divided into three groups given the age differences: junior PS group (JPS) (3rd and 4th grade PS) – 435 students, senior PS group (SPS) (7th and 8th grade PS) - 421 students and a group of secondary school students (SS) – 134 students. According to the school type, 529 came from schools experienced in implementing the programmes for prevention of SV and 461 from NES (table no. 3).

**Table no. 3.** The number of students by age group and school type in 2017, 2018 and 2019

| AGE GROUP                                    | YEAR | ES  | NES | TOTAL |
|----------------------------------------------|------|-----|-----|-------|
| Junior PS group (3rd and 4th grade PS) (JPS) | 2017 | 69  | 58  | 127   |
|                                              | 2018 | 92  | 74  | 166   |
|                                              | 2019 | 75  | 67  | 142   |
| Senior PS group (7th and 8th grade PS) (SPS) | 2017 | 61  | 53  | 114   |
|                                              | 2018 | 87  | 70  | 157   |
|                                              | 2019 | 73  | 77  | 150   |
| Group of secondary school students (SS)      | 2017 | 30  | 22  | 52    |
|                                              | 2018 | 20  | 22  | 42    |
|                                              | 2019 | 22  | 18  | 40    |
| Total                                        |      | 529 | 461 | 990   |

A list of survey participants who were included in the final sample is rendered in the Table no. 4 below.

**Table no. 4.** List of survey participants by schools and towns in 2017, 2018 and 2019

| PRIMARY SCHOOLS (T=16)             |                           |            |                   |          |         |          |
|------------------------------------|---------------------------|------------|-------------------|----------|---------|----------|
| PRIMARY SCHOOLS WITH NO EXPERIENCE |                           |            |                   |          |         |          |
| No.                                | School name               | Place      | Expert associates | Teachers | Parents | Students |
| 1.                                 | "SVETI SAVA"              | Prijepolje | 2                 | 13       | 24      | 60       |
| 2.                                 | "VUK KARADŽIĆ"            | Tutin      | 2                 | 14       | 26      | 60       |
| 3.                                 | "SVETI SAVA"              | Vrčin      | 3                 | 26       | 46      | 91       |
| 4.                                 | "ŽIVKO LJULJIĆ" class II  | Nova Varoš | -                 | 9        | 19      | 20       |
| 5.                                 | "KOSTA ABRAŠEVIĆ"         | Belgrade   | 2                 | 16       | 46      | 51       |
| 6.                                 | "DOBRIŠLAV DOBRICA RAJIĆ" | Bistrica   | 3                 | 12       | 8       | 37       |
| 7.                                 | "BRAĆA BARUH"             | Belgrade   | 3                 | 16       | 54      | 57       |
| 8.                                 | "OSLOBODIOCI BEOGRADA"    | Belgrade   | -                 | 4        | 8       | 10       |
| 9.                                 | "22. OKTOBAR"             | Belgrade   | 1                 | 4        | 14      | 23       |

| PRIMARY SCHOOLS WITH EXPERIENCE                                   |                          |             |                   |          |         |          |
|-------------------------------------------------------------------|--------------------------|-------------|-------------------|----------|---------|----------|
| No.                                                               | School name              | Place       | Expert associates | Teachers | Parents | Students |
| 1.                                                                | "MILOSAV STIKOVIĆ"       | Prijepolje  | 2                 | 15       | 2       | 60       |
| 2.                                                                | "NIKOLA TESLA"           | Vinča       | 4                 | 29       | 77      | 127      |
| 3.                                                                | "ĐURA ĐANIČIĆ"           | Belgrade    | 2                 | 15       | 55      | 56       |
| 4.                                                                | "ŽIVKO LJULJIĆ", class I | Nova Varoš  | 3                 | 12       | 24      | 60       |
| 5.                                                                | "BRATSTVO"               | Novi Pazar  | 3                 | 12       | 24      | 60       |
| 6.                                                                | "FILIP FILIPOVIĆ"        | Belgrade    | 3                 | 9        | 58      | 62       |
| 7.                                                                | "GORNJA VAROŠ"           | Belgrade    | 1                 | 3        | 16      | 22       |
| TOTAL = 16 P[S<br>(9 with no experience and<br>7 with experience) |                          | 8 locations | 34                | 209      | 525     | 856      |

| SECONDARY SCHOOLS (T=5)                                              |                                             |                |                    |               |            |            |
|----------------------------------------------------------------------|---------------------------------------------|----------------|--------------------|---------------|------------|------------|
| PRIMARY SCHOOLS WITH NO EXPERIENCE                                   |                                             |                |                    |               |            |            |
| No.                                                                  | School name                                 | Place          | Expert associates  | Teachers      | Parents    | Students   |
| 1.                                                                   | "RADE KONČAR" ELECTRICIANS                  | Belgrade       | -                  | 15            | 24         | 30         |
| 2.                                                                   | MEDICAL SCHOOL ZVEZDARA                     | Belgrade       | 3                  | 13            | 28         | 32         |
| PRIMARY SCHOOLS WITH EXPERIENCE                                      |                                             |                |                    |               |            |            |
| No.                                                                  | School name                                 | Place          | Expert associates  | Teachers      | Parents    | Students   |
| 1.                                                                   | RAILWAY TECHNICIANS                         | Beograd        | -                  | 12            | 26         | 30         |
| 2.                                                                   | PRIMARY AND SECONDARY EDUCATION CENTRE VOZD | Voždovac       | 3                  | 12            | 26         | 32         |
| 3.                                                                   | COSMETICIANS SCHOOL                         | Belgrade       | 1                  | 4             | 8          | 10         |
| <b>TOTAL = 5 SS<br/>(2 with no experience and 3 with experience)</b> |                                             | <b>8 towns</b> | <b>SS=41</b>       | <b>N= 265</b> | <b>637</b> | <b>990</b> |
|                                                                      |                                             |                | <b>Total = 306</b> |               |            |            |

### 6.3. DATA PROCESSING

In the review of results, both quantitative and qualitative analyses were applied. Quantitative data contain: (a) frequencies of rates of answers to certain questions and (b) comparison of answers from different groups.

Besides the quantitative, in data collection and processing qualitative methodology of surveying was also used. In data interpretation, qualitative analysis was used.

The first level of qualitative analysis was made according to the open coding model, following the framework given by the questions in the focus groups. The order of presenting the data/results of the open coding followed the structure of the questions prepared for the focus groups (Annex no.1). After the initial reading of the answers, the coding units were underlined (the basic units of the analysed text condensed in the so-called key words), then summarised according to the corresponding terms/codes, to be finally classified into categories and interpretations.

The baseline of the analysis was to compare all target groups of the survey by the type of school (ES or NES), and for students an additional comparison was included – by age (whether they belonged to a junior or senior group of primary school or secondary school).

The results were presented for total samples of each target group, and specificities were commented given the students' age, where necessary.

Thus, data analysed in the text below were obtained.

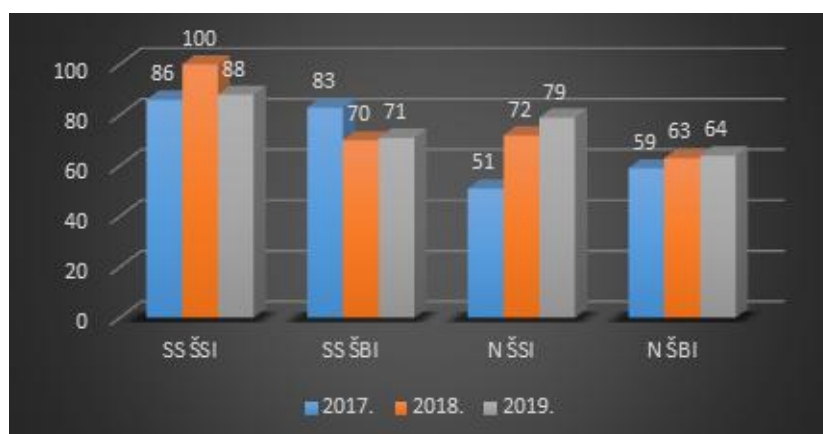
## 7. RESULTS

**INDICATOR 1.** *The level of knowledge and awareness of the rights of the child among teachers and expert associates working in permanent contact with children.*

**Source: Expert associates and teachers** (answers to three questions)

Most EAs and Ts, irrespective of their schools, are familiar with the **UN Convention on the Rights of the Child**. The EAs demonstrated a somewhat higher level of knowledge than Ts. Also, it is noticeable that, by default, EAs and Ts from ES have a somewhat higher level of knowledge (chart no. 1).

**Chart no. 1.** The rate of EAs and Ts familiar with the contents of the UN Convention on the Rights of the Child in 2017, 2018 and 2019, by school type.



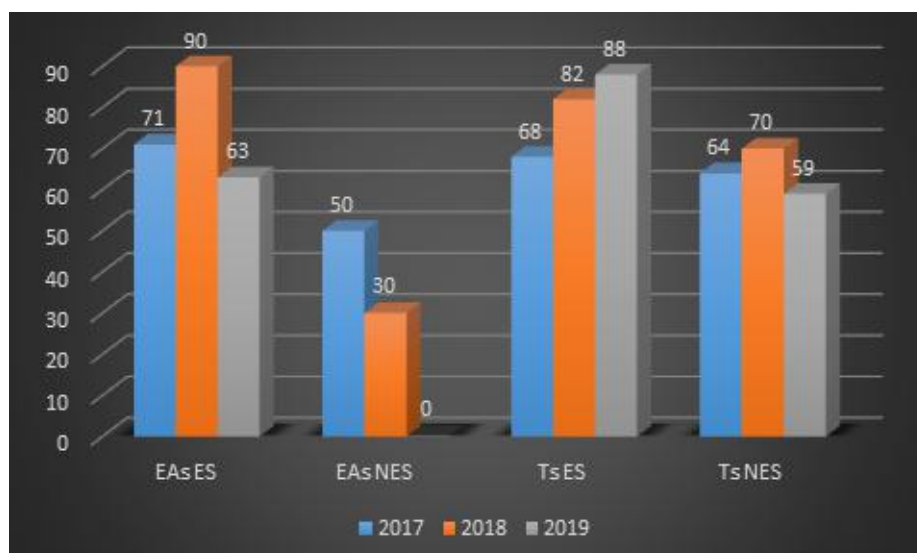
Regarding the **possibilities to participate in trainings on the rights of the child**, the situation is rather bad, except for the EAs ES. A vast majority of EAs ES have had an opportunity to participate in such trainings. Ts have had by far less such opportunities, and their respective schools did not turn out to be of a particular relevance for that (Chart no. 2).

**Chart no. 2.** The rate of EAs and Ts who had an opportunity to attend training on the rights of the child in 2017, 2018 and 2019, by school type.



Most EAs and Ts believe **there is no obligation or recommendation** from higher educational instances to make children's rights training a prerequisite for working in school. The only recorded exception is EAs NES data (2019), with even 57% respondents stating not to know the answer to the question (Chart no. 3).

**Chart no. 3.** The rate of EAs and Ts who believe that there is no obligation or recommendation from higher state instances to make child rights training a prerequisite for working in school in 2017, 2018 and 2019, by school type.



**Recommendation:** It is necessary to organise training on the UN Convention on the Rights of the Child for expert associates and, in particular, for teachers, as they demonstrated a considerably lower level of knowledge about the Convention and who have significantly lesser chances to participate in trainings on the rights of the child than expert associates.

Besides organising the training, it is important for expert associates in their respective schools to share their knowledge and information with teachers.

**INDICATOR 2.** *The level of knowledge about sexual exploitation and sexual abuse of children among teachers and expert associates working in constant contact with children.*

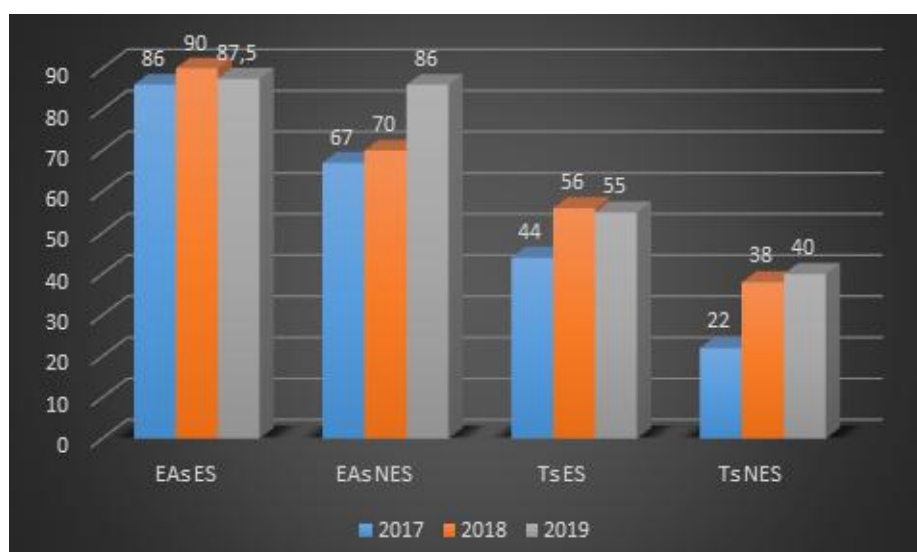
**Source:** Expert associates and teachers (answers to two questions)

In **the knowledge about the Lanzarote Convention** expertise and their respective schools turned out to be very important.

Most EAs are familiar with the Lanzarote Convention (range from 67% to 90%), unlike Ts (range from 22% to 56%).

Also, EAs and Ts from ES show a higher level of knowledge than their NES counterparts, so they listed more sources of learning about this Convention (Chart no. 4).

**Chart no. 4.** The rate of EAs and Ts familiar with the Lanzarote Convention in 2017, 2018 and 2019, by school type.



In **defining SV**, EAs show a conspicuously higher level of knowledge than Ts. Thus, EAs from both school groups named

and recognised more forms of sexual violence, i.e. all the key forms and chief elements of definitions of sexual violence from relevant documents (Chart no. 5).

Among Ts, school type turned out to be relevant as Ts from ES more often named an integral definition with the key elements of SV from the protocol and rulebook than NES Ts.

A considerably higher number of NES EAs gave an abridged and/or unclear definition or simply said they didn't know it.

**Chart no. 5.** The rate of EAs and Ts giving the key elements of the SV definition from relevant documents in 2017, 2018 and 2019, by school type.



**Recommendation:** As the cornerstone of developing the system of sexual violence prevention, it is necessary to implement regular and comprehensive training for expert associates and teachers about the issue of sexual violence against children, including the information about the Lanzarote Convention, its role and obligations emanating from it, as well as all other national documents (protocols and rulebook) encompassing the issue of sexual violence against children.

The first step is to organise specialist training on the Lanzarote Convention and the issue of sexual violence against children.

The second important step is for expert associates from both groups of schools to additionally inform the teachers from their respective schools of the Convention and the obligations stemming out of it.

**INDICATOR 3.** *The knowledge of expert associates and teachers of the mechanisms for reporting sexual exploitation and sexual abuse*

**Source: Expert associates and teachers** (answers to five questions)

EAs and Ts had a very low number of cases with **experienced reporting** of suspected SV against children.

Both EAs and Ts treated the **confidentiality of information** about the children suspected to have experienced SV professionally, with due attention and in the child's best interest. However, among a lower number of EAs from NES, as well as Ts from both school types, a somewhat lower level of knowledge is noticed.

Regarding the issue of **competent authorities and institutions** for reporting suspected SV against children, there is a significant difference by expertise and school type. Almost all EAs stated they knew the competent authorities and institutions, whereas about half Ts did so. Moreover, it is alarming that on average a quarter of Ts do not know the competent authorities and institutions. To the question of who they would specifically address, with minimum differences in order, they named police, social welfare centres, school professional services, school principal, and to a certain, low extent, CSOs (e.g. ITC) (Chart no. 6).

**Chart no. 6.** The rate of EAs and Ts familiar with all competent authorities and institutions to report SV against children to in 2017, 2018 and 2019, by school type.



A very few EAs and Ts **had personal experience of addressing** competent institutions for suspicions of SV against children.

**Recommendation:** It is necessary to organise and implement continual and comprehensive training of EAs and Ts about the issues of SV against children, in order for them to have all the necessary information relevant for their work, including the sign for recognising sexual abuse of children, the way of treating confidential information in accordance with international and national documents and getting familiar with the work and competences of institutions to which SV should be reported.

Also, it is extremely important to conduct training on the implementation of the “Rulebook on the Protocol of Actions in the Institution as a Response to Violence, Abuse and Neglect”.

Also, it is important to encourage EAs and Ts to report the suspicions of SV through awareness raising, knowledge and mitigation of unease and fear of reporting.

Further on, in the “Rulebook on the Protocol of Actions in the Institution as a Response to Violence, Abuse and Neglect”, as well as in other relevant documents, the cooperation of schools and relevant institutions should be specifically explained, formalised and prominently two-way, by having a clearly defined obligation for schools to receive feedback from competent institutions, and to also take the necessary steps in order to receive feedback.

In that, it is important for schools to take a proactive role not only in reporting, but in exchanging information with competent institutions after SV against children is reported.

**INDICATOR 4.** *The knowledge of teachers and expert associates about the existing mechanisms of clearance in terms of criminal charges or conviction of candidates applying for work implying contact with children.*

**Source:** Expert associated and teachers (answers to one question)

Regarding the question of the **legal procedures in the field of education related to recruitment of staff in educational institutions**, including the clearance of candidates against any disciplinary or penal procedure including SV against children, as well as the procedure in case of suspicion of SV perpetrated against a student by staff in educational institution, differences are noticed in terms of the EAs and Ts respective schools (Chart no. 7).

A vast majority of EAs **know the legal procedures**, although at a certain age differences become prominent depending on the school type.

Among Ts, the level of knowledge is lower than that of EAs, about one half on average. Ts from ES have demonstrated a somewhat higher level of knowledge about the existing mechanisms and procedures.

It is evident that both EAs and Ts responded much less to the question of the procedure in case of suspicion of SV by

staff of educational institution against students, which may indicate a lower level of knowledge.

These data point to the unsatisfactory level of knowledge about the procedures, since the EAs themselves were supposed to go through the said procedures.

**Chart no. 7.** The rate of EAs and Ts familiar with the legal procedures in the field of education related to recruitment of staff to educational institutions and procedures in case of suspected sexual violence against students in 2017, 2018 and 2019, by school type.



**Recommendation:** It is necessary to include in specialised training on SV against children for both EAs and Ts he information on legal procedures in the field of education related to recruitment of staff to educational institutions, which include the clearance of the candidates' disciplinary or criminal records that involve sexual violence against children. In that, an additional emphasis should be placed on getting EAs and Ts familiar with the procedures in case of suspicion that a staff member of an educational institution has perpetrated a form of SV against a student(s).

Also, it is important that the entire educational system, and schools themselves, clearly and transparently name the procedures of clearance for all future employees in their documents and other publications (e.g. web pages), as well as the instruments for protection of students from SV by school staff.

**INDICATOR 5.** *The level of students' knowledge about sexual exploitation and sexual abuse of children.*

**Source:** Primary and secondary school students (answers to two questions)

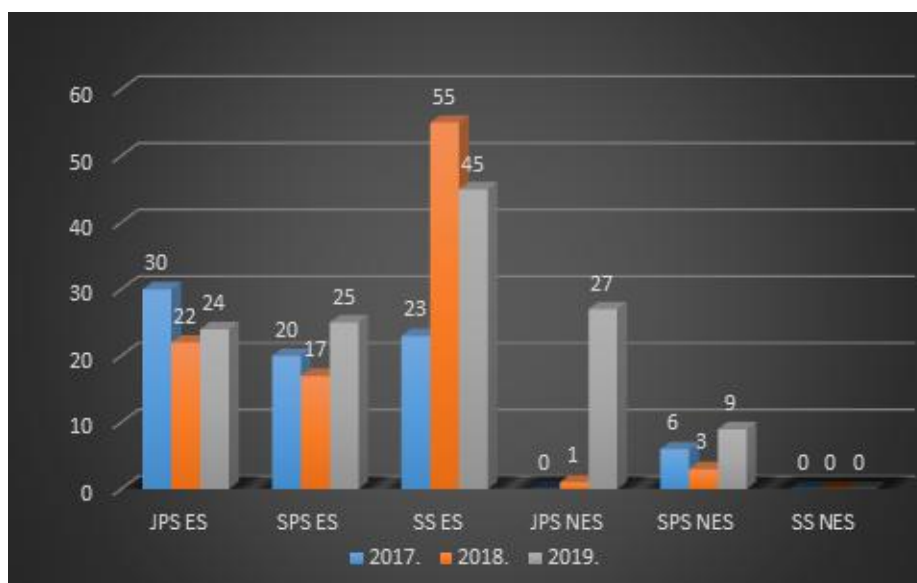
To the question what it is that **they recognise as SV against children**, it is noticeable that students can **recognise and/or name** most forms of SV, although certain differences were found among them depending on their age and schools. PS students from ES could recognise the said behaviours as sexual violence to a somewhat higher extent, although the recognition level is pretty high in both school groups. Among the SS student, there are practically no differences related to schools in the number of given forms or in the level of recognising different forms of sexual violence.

The students also had an additional question if they knew the **age limit** below which it is forbidden to have sexual intercourse with children. It is worrying that a negligibly low number of students from both groups knew the rights answer, with a tendency to give a much older age instead.

Regarding the knowledge of the **Lanzarote Convention**, we can conclude that the situation is rather defeating. The knowledge about the Lanzarote Convention ranges from 0% to 55%. The ES students know of this Convention to a higher extent, although that level is extremely low too, especially among the PS age group (from one third to one fifth). The highest level of knowledge was demonstrated by SS students from ES, and an utmost ignorance of this Convention is visible among the SS students from NES (see Graph no.8).

For most students the visible trend is that school is the main source of information about the Convention, with pedagogues, teacher etc. Being so for PS students, and civic instruction teachers and class masters for SS students.

**Chart no. 8.** The rate of students familiar with the Lanzarote Convention in 2017, 2018 and 2019, by age and school type



**Recommendation:** In accordance with internationally ratified documents, as well the nationally binding protocols and rulebooks, it is necessary to introduce a system of continual training on SV issues for PS and SS students.

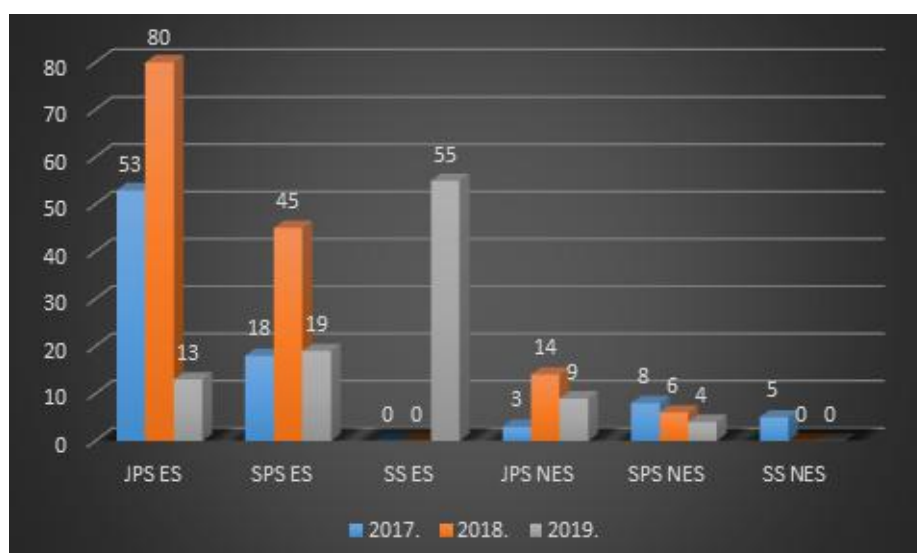
Such training needs to include information about the Lanzarote Convention, rights emanating from it and specific information about the recognition of SV, what to do in case of SV as well as the information about the age limit for having sexual intercourse.

**INDICATOR 6.** The way the primary and secondary school students get informed about the risks of sexual exploitation and sexual abuse.

**Source:** Primary and secondary school students (answers to two questions)  
Expert associates and teachers (answers to two questions)

Most students did not participate in any **SV prevention programmes**. Participation rate is somewhat higher among ES students, especially junior groups, but it is also unsatisfactory among them and it mostly does not exceed one half (except for the JPS age students from ES in 2018). Among SS students, a defeating figure is that almost nobody ever participated in them (with an exception of SS students from ES in 2019) (Chart no. 9).

**Chart no. 9.** The rate of students who participated in any programme of child protection from SV and sexual exploitation in 2017, 2018 and 2019, by age and school type.



It is also noticeable that an extremely low number of students **know of the existence of such programmes**, ranging from 0% to 59%, with an exception of JPS age students from ES in 2018 (87%). Expectably students from ES know more about such programmes existing in their respective schools (Chart no. 10).

**Chart no. 10.** The rate of students who knew that SV prevention programmes existed in their schools in 2017, 2018 and 2019, by age and school type.



On the other hand, the perception of EAs and Ts is that the situation is significantly better and that most students and their parents are **familiar with the contents** against SV, although most of them believe that their curricula do not include any compulsory training on the prevention of SV against children.

**Recommendation:** In accordance with the internationally ratified documents, as well as the binding protocols and rulebooks, it is necessary to introduce continual education of PS and SS students about the issues of SV against children. Schools implementing such programmes should invest considerable efforts in active advertising of such programmes and how to join them.

The EAs and Ts within their trainings must clearly get familiar with the foreseen curricula in part of compulsory training on preventing SV against children, as well as the obligations for their respective positions in that. Also, such training needs to include the students' parents/guardians.

**INDICATOR 7.** *The students' knowledge of mechanisms for reporting sexual exploitation and sexual abuse of children.*

**Source:** Primary and secondary school students (answers to seven questions)

To the question **if they were able to discuss the SV issue** so far, significant differences were visible among students, conditioned mainly by their respective schools and, partly, by age. The range varies from the low 24% to the high 96%. The SS students noticeably had more opportunities to discuss SV with someone, the main differences being within the JPS age group, high in the SPS age group too, whereas among SS students the difference is insignificant (Chart no. 11).

Regarding age, it did not play an important role among the ES students, but it did among the NES students, by the JPS age students being least able to discuss the issue with someone, unlike the SPS age group and SS students.

**Chart no. 11.** The rate of PS and SS students with an opportunity to discuss the SV issue with someone in 2017, 2018 and 2019, by age and school type.



To the question if they were **familiar who to address in case of SV**, a large majority noticeably stated they knew who to address. In that, they showed certain differences given the school type and age (Chart no. 12). The ES students demonstrated a higher level of knowledge, as well as junior PS students.

Among SS students, the difference in the *vice versa* direction is obvious, by NES students stating to know who to address in a higher percentage than their ES peers.

**Chart no. 12.** The rate of PS and SS students stating to know who to address in case of SV in 2017, 2018 and 2019, by age and school type.



To the question of **whom they would address in case of SV**, the students from both PS age groups would evidently address relevant institutions sooner (most often the police) or someone from school (pedagogue, psychologist, class master) than SS students, among whom friends score very high. At certain age, SS students from NES do not even name anyone from school as an option, nor the police as someone to contact for help (e.g. in 2019).

In all three age groups, irrespective of their school types, parents as persons the children would confide in are very highly represented.

To the question **whether they know who in school they could address in case of SV and sexual exploitation**, almost all PS students clearly stated they knew who to address (Chart no. 13).

Among SS students, an unexpected difference was found, by more NES students showing a higher level of knowledge about who to address than their ES peers.

When students stated who they would address, it is first and foremost the psychological and pedagogical service, class

master, teacher or principal.

**Chart no. 13.** The rate of PS and SS students stating to know who at school to address in case of SV in 2017, 2018 and 2019, by age and school type.

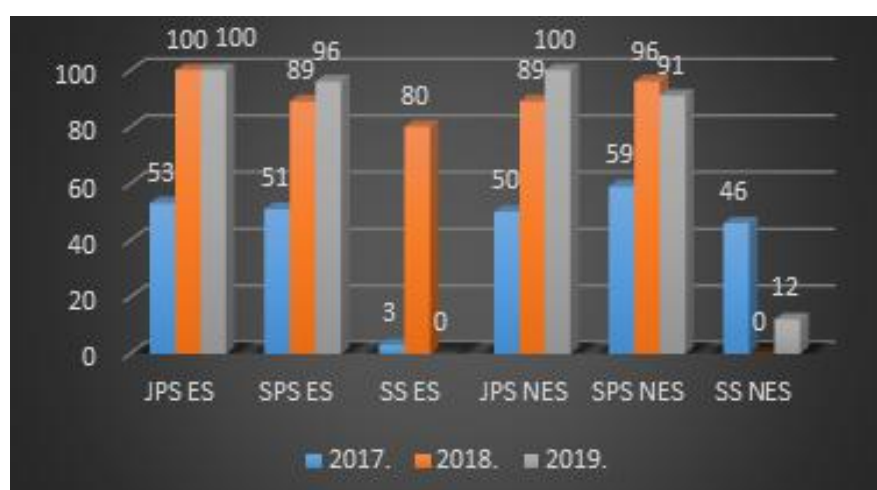


To the sub-question of **whether they would really address someone in case of SV**, there is a prominent difference among students depending on their respective schools, and even more so depending on their age.

The range of JPS students demonstrating readiness to address someone varies from 50% to 100%, with low readiness shown only in 2017. The situation is similar with SPS students, ranging from 51% to 96%, also with lowest readiness demonstrated in 2017. In 2018 and 2019 the readiness demonstrated was very high in both PS age groups, without major school-related differences.

Among SS students, the results are alarming. As a rule, almost none of them would address anyone for help, except for SS students from ES in 2018, when they voiced a surprisingly high readiness to ask for help (Chart no. 14). SS students from NES in 2017 stating with 46% that they will address someone, but only if they would have too.

**Chart no. 14.** The rate of PS and SS students stating that they would really address someone for help in case of SV in 2017, 2018 and 2019, by age and school type.



To the question of how many students know of **free helplines for providing assistance to child survivors of SV**, a wide range between 40% and 94% is noticeable. The main difference among the students is age-related, with senior students having a somewhat higher level of knowledge (Chart no. 15).

The only significant difference among school was noticed with SS students, in a partly unexpected way – the NES students demonstrated a higher level of knowledge than their ES peers.

When asked to name a specific number, the ES students by default showed more knowledge.

**Chart no. 15.** The rate of PS and SS students who stated to know of free helplines for providing assistance to child survivors of SV in 2017, 2018 and 2019, by age and school type.



To the question of **what they would do if a friend confided in them about suffering SV**, certain differences were found among students, mainly age-related.

The **JPS** age students demonstrated higher readiness to share such knowledge with an adult, primarily parents or teachers.

In both **SPS** age groups of students advice to the friend to confide in his/her parent is highly represented. They also voiced their readiness to personally address the school pedagogue or psychologist. Also, talk with the friend is very much represented as an answer, advising to address an adult or referring to an adult for assistance themselves, but to a lesser extent than the JPS age students.

Among **SS** students, there is a more pronounced trend of talking to a friend first, but also of trying to talk them into addressing an adult. A low number of them said they would report violence themselves.

To the question of **whether it is more important to keep the secret (bad as it may be) or to share it with someone** in order to help a friend or oneself, certain differences are visible given the schools the students come from, but the main differences stem out of the students' age (Chart no. 16).

Almost all PS students believe one should tell a secret, with minor differences depending on school (e.g. more students in SPS age group from ES believe that they should tell the secret than do their peers from NES).

On the other hand, SS students evinced an extreme variability, ranging from 14% to 92%. ES students evidently believe that they should confide in someone to a somewhat higher extent.

**Chart no. 16.** The rate of PS and SS students replying that it is more important to tell someone than to keep a secret, in order to help a friend or oneself, in 2017, 2018 and 2019, by age and school type.



**Recommendation:** It is necessary for the system preventive programmes developed for children to enable children to talk about SV openly, to contain concrete information about who exactly to refer to in case of SV, as well as about the importance of referring to someone instead of keeping the secret.

However, it is even more important to galvanise change in attitudes and intended behaviour with such programmes, as a level higher than that of information and knowledge, since the students' replies mainly indicate that as a critical point.

**INDICATOR 8.** *The level of parents' awareness and knowledge about the risks of sexual exploitation and sexual abuse of children.*

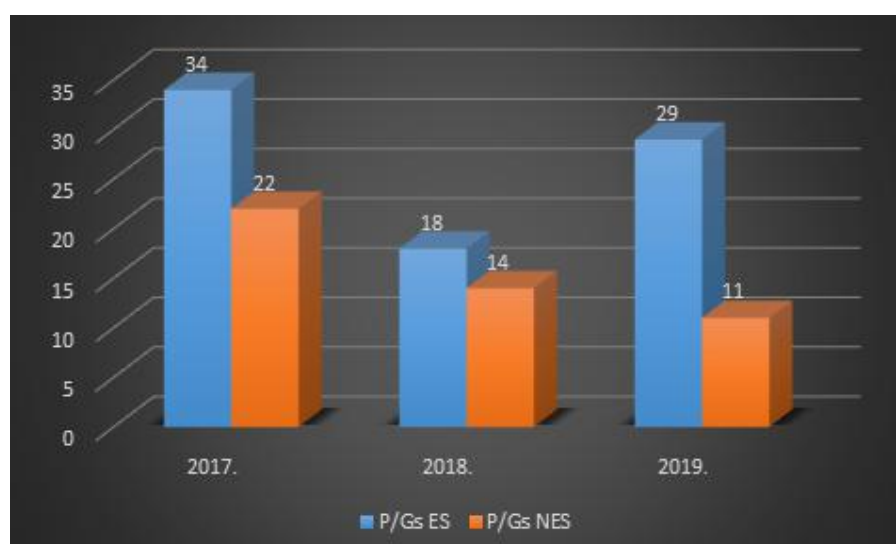
**Source:** Parents of primary and secondary school students (answers to two questions)

An extremely low number of parents are familiar with the **Lanzarote Convention** (range from 11% to 34%), with a little more information on the side of the ES parents (Chart no. 17).

Also, the parents of ES students at the same time recognised a higher number of SV forms and in a significantly higher number provided the key elements of SV definition.

Most parents do not know the legal age limit under which it is prohibited to have sexual intercourse with children, so there is a noticeable trend of stating an older age (e.g. 18).

**Chart no. 17.** The rate of PS and SS students' parents/guardians familiar with the Lanzarote Convention in 2017, 2018 and 2019, by school type.



**Recommendation:** One of the main prerequisites for implementing quality and efficient programmes preventing SV against children is the active involvement of PS and SS students' parents. Therefore, it is extremely important to organise various forms of informing and educating parents in order to raise their awareness of the issue, so that they support their children to participate in such programmes and make way for unhindered and open communication about the issue with their children, so that they can recognise and respond in case of SV suspicions.

**INDICATOR 9.** *The way the parents of primary and secondary school students are familiar with the risks of sexual exploitation and sexual abuse.*

**Source:** Parents of primary and secondary school students (answers to two questions)

Parental assessment of their own and children's **knowledge about the risks of SV against children and the possibilities to protect and report SV against children** varies significantly year in, year out, with the range of parents from ES from 34% to 66%, and parents from NES from 32% to 65%. Except for 2017, the school their children attend did not stand out as important in differences among parents (Chart no. 18).

As the main **source of information**, parents name media, while schools rank relatively low and they are more often mentioned by the ES parents.

**Chart no. 18.** The rate of parents/guardians answering affirmatively to the question of awareness of the risks of SV against children and possibilities to protect them and to report SV in 2017, 2018 and 2019, by school type.



Most students' parents are not familiar with the **existence of prevention programmes** against SV in schools their children attend, even when their children attend the schools that implement such programmes. A maximum of one third of parents think there are such programmes in schools, whereas the rest believe they do not exist or they answered that they did not know (Chart no. 19). Such figures raise the question of the role of school itself in informing the parents of preventive programmes implemented in schools, as well as of the level of communication between parents and children.

Parents state that they were involved through activity classes, parent-teacher meetings and various workshops. However, they at the same time emphasise that neither they nor their children were involved with such programmes directly, which indicates serious shortcomings in implementing preventive programmes. Namely, when parents were additionally asked if they had participated in such school programmes themselves, it was obvious that such participation was negligent. A maximum of 11% participated, those being from ES, and that mainly reached the rate of 2%. That is an exceptionally important piece of information both for the schools and for the entire educational system, bearing in mind that one of the prerequisites for programmes of preventing SV against children is the inclusion of parents, given the much better performance in that way.

**Chart no. 19.** The rate of parents/guardians who replied affirmatively that they are aware of existence of prevention programmes against SV in schools their children attend, in 2017, 2018 and 2019, by school type.



**Recommendation:** In implementing prevention programmes against SV, it is extremely important to include all three key groups: primarily the school staff (EAs and Ts), parents and students.

In informing and educating parents, schools have the pivotal role and responsibility.

The involvement of parents should take place at several levels: from the very informing of parents that such programmes exist and are implemented in schools, to direct inclusion through organising and conducting workshops for parents, in order to raise the awareness of the problem, inform them of the forms, distribution and consequences of SV and of the existing protective mechanisms. This raises the level and capacities for readiness and security of parents to be able to discuss the problem with the children by themselves and to facilitate their acceptance and understanding of the contents, as well as the confidence to address them in case they or someone close to them experience a form of SV. Also, it is necessary to encourage readiness of parents to respond and report suspicions of SV.

**INDICATOR 10.** *The level of parents' digital literacy for protection of children while using modern technologies.*

**Source:** Parents of primary and secondary school students (answers to one question)

The parents' answers to the question whether they think they are **enough digitally literate to protect their children from potential violence** through modern technologies vary from year to year (36% to 60%), with the number of parents who believe they are sufficiently digitally literate prominently growing over time (Chart no. 20).

The methods used by parents to protect their children were agreed in discussion, but some parents use non-transparent and unagreed forms of control. Also, the fact that a significant part of parents believe they are not enough digitally literate and that they are having difficulties managing that field is not to be neglected.

**Chart no. 20.** The rate of affirmative replies of parents to the question if they think they are enough digitally literate to protect their children from the risks of modern technologies in 2017, 2018 and 2019, by school type.



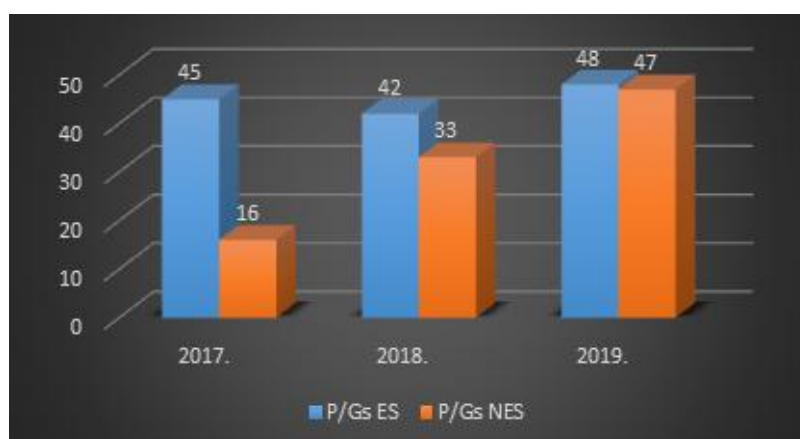
**Recommendation:** It is necessary to organise regular and continual training for parents on the use of the Internet, the advantages and threats of modern technologies, how to keep children informed, as well as to protect children from potential abuse, in a way understandable and acceptable to them.

**INDICATOR 11.** *The parents' knowledge of mechanisms to report sexual exploitation and sexual abuse of children.*

**Source:** Parents of primary and secondary school students (answers to three questions)

Fewer than half of parents, especially those from NES, stated that **they knew the institutions to report a suspicion** of or experienced SV against children to. As a place for reporting they most often named the police, school or social services (Chart no. 21).

**Chart no. 21.** The rate of parents' affirmative replies to the question if they knew all competent institutions and services to report SV against children to in 2017, 2018 and 2019, by school type.



An almost negligible number of parents had the **experience of reporting SV** to relevant services or school.

Most parents are not **familiar with the legal procedures** in the area of education pertinent to recruitment of staff to educational institutions, or the procedures in case of suspicion of SV against students by the staff of the educational institution. The parents of ES students had more such knowledge (range 33% to 38%) than the parents of NES students (range 10% to 27%) (Chart no. 22).

**Chart no. 22.** The rate of parents' affirmative replies to the question if they are familiar with legal procedures in the field of education pertinent to recruitment of staff to educational institutions, as well as with procedures in case of suspicion of SV against students by the staff of the educational institution in 2017, 2018 and 2019, by school type.



All the above indicates the necessity for schools and the entire educational system to make the procedures and laws relevant for work with children and youth clear and transparent.

**Recommendation:** It is necessary to involve parents with the implementation of educational and preventive programmes against SV and provide them with specific information on all aspects of the issue, including that concerning their children's safety in school. Parents are absolutely entitled to know that their children are safe at school, by knowing exactly the recruitment criteria for staff working with children and the procedures in case of suspicion of SV committed by the staff against children.

On the other hand, it is necessary for the educational system to have developed, transparent, clearly explained and easily accessible information on the laws regulating recruitment of staff to the educational system and the procedures of reporting SV committed by staff members.

**INDICATOR 12.** *The knowledge of campaigns undertaken by the government and its institutions for raising the awareness of the issue of sexual violence and sexual abuse of children and possible preventive measures.*

**Sources:** Expert associates and teachers (answers to one question)

Parents of primary and secondary school students (answers to one question)

To the question of whether they know of **campaigns at school/national level on the issue of SV against children**, the EAs showed most knowledge of all (range from 40% to 90%). That figure significantly dropped among teachers and reached about the half of it (range from 23% to 51%). Among parents, the level of knowledge about campaigns is the lowest (range 11% to 52%) (Chart no. 23).

A school-related difference was identified in all three groups, being especially pronounced among EAs and parents, with a significantly higher level of knowledge attached to ES.

As the source of knowledge about campaigns, **EAs from ES** stated that they mostly found out about them through the Educational Packs and cooperation with ITC. In that, they listed the following: campaign "I whom nobody knows" (2007-2012), public lessons (ITC, 2012-2016), the Council of Europe's campaign, with ITC as the implementer, titled "One of five" (2013-2016), ITC's film "The News is I was Abused", a song titled "Let's Stop the Silence" (2010), a picture book and video material "Kiko and the Hand" (2013), ITC's campaign "I am with you too" (2015-2017) conducted by ITC's peer team, presentation of the first national study on the issue of SV (ITC, 2015), "Walking against SV" (ITC's public action, 2015). A significant part of the respondents named media, occasional events, *School without Violence programme* (UNICEF), *Together in protection of children from violence* (the Network of Organisations for Children of Serbia in cooperation with the Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Health, MoE, the Government of the Republic of Serbia and UNICEF), through conducting workshops for members of the Peer Team against Violence in coordination with school psychologist and pedagogue, etc. The **EAs from NES** most often stated the work of the MoE in general or media (the so-called "Maria's Law" and "Tijana's Law").

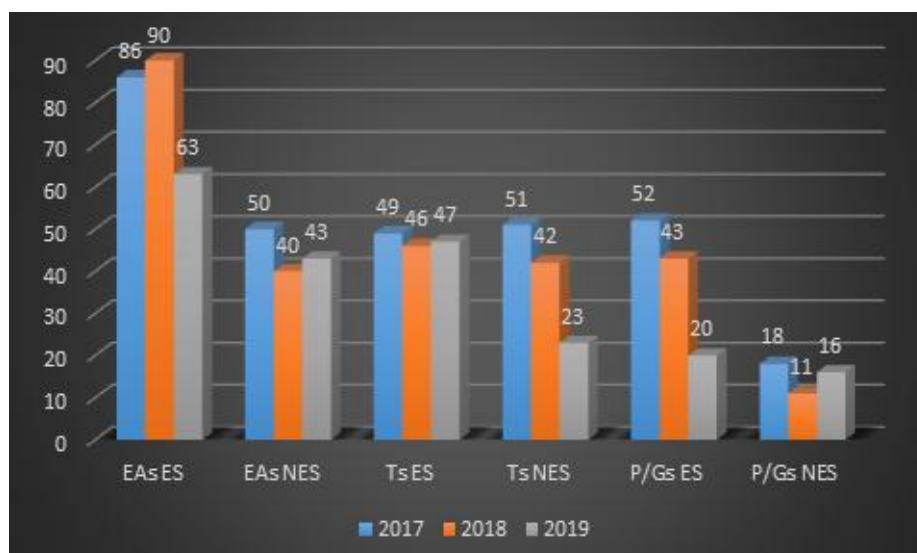
Differences are noticeable among Ts too, in sources of information about the campaigns given the schools they come from. Thus, **Ts from ES** stated they knew of such campaigns through training, workshops at school, cooperation with ITC, campaigns of UNICEF and Red Cross, as well as via media. **Ts from NES** most often named the campaigns related to ITC's Educational Packs, campaigns of other civil society organisations (e.g. ASTRA, Autonomous Women's Centre) and media campaigns on children's online security.

Among parents who know of campaigns there are also differences in how they found out about them. Parents from **ES** mentioned several sources, most often media through campaigning for "Maria's Law"<sup>1</sup> and "Tijana's Law"<sup>2</sup> and through school. Parents from **NES** most often, though at a very low rate, mentioned school and media, while all other sources are practically negligible.

<sup>1</sup> The Law on Special Measures for Prevention of Crime against Sexual Freedom of Juvenile Persons ("The RS Official Gazette", no. 32/2013).

<sup>2</sup> The amendments to the Criminal Code that eliminated prison sentence of 30 to 40 years and introduced life sentence for most serious criminal acts, such as severe murder, rape, fornication of a juvenile person, pregnant woman or powerless person

**Chart no. 23.** The rate of EAs, Ts and parents familiar with school- and/or nation-wide campaigns on the problem of SV against children in 2017, 2018 and 2019, by school type.



**Recommendation:** In order to raise the awareness of the problem of sexual exploitation and sexual abuse of children, it is necessary to implement systematic campaigns that should be ongoing, widespread (visible), through various communication channels and targeting various target groups (children, youth, parents, and staff of instructive and educational institutions, general public).

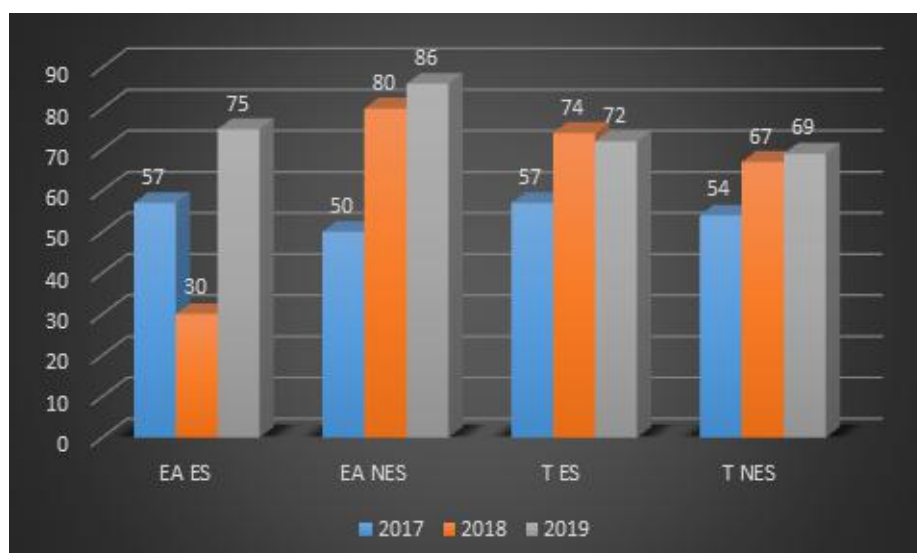
**INDICATOR 13.** *Students' participation in developing and implementing programmes against sexual exploitation and sexual abuse of children.*

**Sources:** Primary and secondary school students (answers to one question)  
Expert associates and teachers (answers to one question)

The number of students who participated in **programmes for prevention of sexual violence**, especially those from NES, is very low (Chart no. 9). This fact influences the level of their proposals on how they would design such programmes by themselves, because they mainly describe the methods and forms of work that are integral part of prevention programme (lectures, workshops, talks, film screening), with multimedia elements in addition. To the question of who should be implementing it, besides teachers, a need for external experts and persons who survived SV was identified.

At the same time, it is visible that most EAs and Ts believe **such programmes either do not exist or do not involve children** with planning and implementing preventive activities in accordance with their age and capacities (Chart no. 24).

**Chart no. 24.** The rate of EAs and Ts who believe the current curricula do not envisage compulsory education on the topic of preventing SV against children in 2017, 2018 and 2019, by school type.



Also, most of them believe **that such programmes do not encourage the participation of children themselves**, in accordance with their age and capacities, in planning and implementing preventive activities. In that, the range of negative answers is 17% to 47% among EAs and 38% to 83% among Ts.

**Recommendation:** It is necessary that the MoE, competent services and schools resolutely launch systematic implementation of preventive programmes on SV against children.

The contents development and design, as well as the manner of presenting the contents, should necessarily get student aboard to participate in accordance with their age, interests, ways of learning and cognition, in order to make the programmes as interesting and acceptable for children as possible, thus the more efficient.

## 8. ANNEX NO. 1.

In Annex no. 1 there are three instruments developed for collecting data on monitoring the implementation of the Lanzarote Convention in the educational system:

4. A questionnaire for expert associates, teachers and educational institutions
5. Questions for focus group with parents
6. Questions for focus group with children

## 1. A QUESTIONNAIRE FOR EXPERT ASSOCIATES, TEACHERS AND EDUCATIONAL INSTITUTIONS

Prep/School \_\_\_\_\_

Answers provided by: EAs S/J

Place \_\_\_\_\_ Date \_\_\_\_\_

1. Are you familiar with the contents of the UN Convention on the Rights of the Child?
2. Have you ever had a chance to go through a training on the rights of the child? If yes, write who organised the training.
3. To your knowledge, is there an obligation or recommendation from higher educational instances to include training on the rights of the child as a compulsory requirement for employment in your institution?
4. Do you know of the Lanzarote Convention, i.e. the Council of Europe's Convention on Protection of Children from Sexual Exploitation and Sexual Abuse? If you do, write who you heard about it from?
5. How would you define sexual violence and sexual abuse of children?
6. Are the children in your institution and their guardians familiar and if yes, in what way, with the risks of sexual violence against children and the options for protection and reporting sexual violence against children?
7. Does the valid curriculum include compulsory education on the topic of preventing sexual violence against children?
8. Do those programmes encourage participation of children themselves in planning and implementing some preventive activities, in accordance with their age and development capacities?
9. Do you know of any campaigns at school/national level for raising the general awareness of the social problem of sexual violence against children? If yes, describe them briefly:
10. Have there been cases in your school of children or adults reporting suspicions of sexual abuse of children and how were they resolved?
11. How does your profession treat the confidentiality of information on children who were subjects of sexual violence?
12. Do you know all institutions and service where you can report sexual violence against children?
13. Whom would you address in case you want to report sexual violence against a child?
14. If you have already addressed them, what is your experience? Describe it briefly:
15. Are there legal procedures in the field of education related to recruitment of staff to educational institutions that include clearance of candidates against disciplinary or criminal proceedings involving sexual violence against children? If yes, what is the procedure in case of suspicion of sexual violence against a student by a staff member of the educational institution?
16. Is there anything else related to the topic of sexual violence against children that you want to emphasise?

## A. QUESTIONS FOR FOCUS GROUP WITH PARENTS

Prep/School \_\_\_\_\_

Answers provided by: P/G

Place \_\_\_\_\_ Date \_\_\_\_\_

1. Do you know the contents of the UN Convention on the Rights of the Child and to what extent?
2. Have you had a chance to attend a training on the rights of the child? If yes, who organised the training? (Do you know the Articles on SV against children?)
3. Do you know of the Lanzarote Convention, i.e. the Council of Europe's Convention on protection of Children from Sexual Exploitation and Sexual Abuse? If yes, who did you hear about it from?
4. What, in your opinion, is sexual violence against children? List:  
  
What is the age limit under which it is forbidden to have sexual intercourse with children and do you think it is appropriate?
5. Are you and your children familiar with the risks of sexual violence against children and its consequences? If yes, through whom?
6. Do you know of any school-/society- wide campaigns for raising the awareness of the social problem of sexual violence against children? If yes, describe them briefly:
7. Are there any programmes for preventing sexual violence against children at the school that your child attends and have you participated in them?
8. Do you think you are enough digitally literate to be able to protect your child from the risks of new technologies (computers, the Internet, social media...)?
9. Do you know all the institutions and service that you can report sexual violence against children to?
10. Whom would you address in case you want to report sexual violence against children?
11. If you have addressed them so far, what is your experience? Describe it briefly:
12. Are there legal procedures in the area of education related to recruitment of staff to educational institutions including the clearance of candidates against disciplinary or criminal proceedings involving sexual violence against children? If yes, what is the procedure in case of suspicion of sexual violence against a student by a staff member of the educational institution?
13. Is there anything else related to SV that you want to emphasise?

## A. 2. QUESTIONS FOR FOCUS GROUP WITH CHILDREN

Prep/School \_\_\_\_\_

Answers provided by: C/T

Place \_\_\_\_\_ Date \_\_\_\_\_

1. Do you know the contents of the UN Convention on the Rights of the Child and to what extent?
2. Have you had an opportunity to learn or attend a training about the rights of the child? If yes, who organised that training? (Do you know the Articles about SV against children?)
3. Do you know of the Lanzarote Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse? If yes, who did you hear about it from?
4. What, in your opinion, is sexual violence against children? List:  
(additional question for secondary school students) What is the age limit under which it is forbidden to have sexual intercourse with children and do you think it is appropriate?
5. Have you discussed what sexual violence is with anyone? If yes, with whom?
6. Do you know whom to address in case of sexual violence and sexual exploitation?
7. Whom would you address?
8. Do you know whom at school you can address in case of sexual violence and sexual exploitation? If yes, would you address them?
9. Do you know that there are free helplines for providing assistance to children who have survived sexual violence and what are those numbers?
10. What would you do if a friend confided you about sexual violence he/she is suffering? Describe:
11. Is it more important to keep the secret (even if it is bad) or tell it to someone in order to help a friend or yourself?
12. Have you ever participated in any programme for child protection from sexual violence and sexual exploitation? If yes, what kind of programme and who organised it?
13. Does your school have any programmes for prevention of sexual violence against children?
14. How would you design a programme for prevention of sexual violence against children? Who would be the best to do it?
15. 15. Is there anything else about this topic that you would particularly like to tell us?

# 2019

"What should be done if it is the mother, father or brother who does it."  
(a JPS student - NES)

"It's good that we talked this openly. One can learn many things like this".  
(a SS student - ES)

"This issue should be discussed more so that children are encouraged to talk in public about sexual violence, able to recognise and not afraid to report it."  
(a NES parent!)

"We haven't thought about it much, only sometimes, when there are newspaper articles about a horrible case. But it's important to know."  
(a SS student - NES)

"Punishments for sexual violence must be more severe because there might even be a justification for murder sometimes, but never for sexual violence."

(A SPS student - NES)

"There is a need to empower both adults and children to recognize and respond to situations bearing the threat of sexual violence against children – but the need, unfortunately, has not been recognized by the system of education and instruction... Even though the Protocol on Actions has been endorsed, many teachers just get acquainted with it superficially and are not aware."

(an EA from school with experience)

"It is necessary to work on this topic with children, teachers and parents steadily."

The Educational Packs should be introduced into the regular teaching process."

(an EA – school with experience)



## CHAPTER 5:

### ANALYSIS OF ALIGNMENT OF THE LEGAL FRAMEWORK IN SERBIA WITH THE COUNCIL

Nataša Jović, LL. M in Children's Rights

## Contents

### ANALYSIS OF ALIGNMENT OF THE LEGAL FRAMEWORK WITH THE COUNCIL OF EUROPE'S CONVENTION ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE

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## Chapter I

### PURPOSES, NON-DISCRIMINATION PRINCIPLE AND DEFINITIONS

#### Article 2

##### Non-Discrimination Principle

*The implementation of the provisions of this Convention by the Parties, in particular the enjoyment of measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, health status, disability or other status.*

**The Law on the Prohibition of Discrimination**<sup>1</sup> introduced, in accordance with the Constitution of the Republic of Serbia, a general prohibition of discrimination. According to the provisions thereof, discrimination is any unwarranted differentiation or unequal treatment, that is, omission (exclusion, limitation or preferential treatment) in relation to individuals or groups, as well as members of their families or persons close to them, overtly or covertly, on the grounds of race, skin colour, ancestors, citizenship, nationality or ethnic origin, language, religious or political beliefs, gender, gender identity, sexual orientation, financial status, birth, genetic characteristics, health status, disability, marital and family status, previous convictions, age, appearance, membership in political, trade union and other organisations and other real or presumed personal characteristics (hereinafter referred to as: personal characteristics). The Law establishes everyone's right to efficient protection from all forms of discrimination by competent courts and other public authorities of the Republic of Serbia, prescribes that all persons are equal and enjoy equal status and equal legal protection regardless of personal characteristics, and that everyone is obliged to respect the principle of equality and non-discrimination.<sup>2</sup>

## Chapter I

### PURPOSES, NON-DISCRIMINATION PRINCIPLE AND DEFINITIONS

#### Article 3

##### Definition

*For the purposes of this Convention:*

- a) "child" shall mean any person under the age of 18 years;*
- b) "sexual exploitation and sexual abuse of children" shall include the behaviour as referred to in Articles 18 to 23 of this Convention;*
- c) "victim" shall mean any child subject to sexual exploitation or sexual abuse.*

The legal system of the Republic of Serbia does not yet have a single definition of a child that would be in line with the Convention on the Rights of the Child. The definition of the term child can be indirectly derived from the provision of Article 37 of the Constitution, which stipulates that the age of majority starts at the age of 18 and from the provision of Article 11 of the Family Law, which also stipulates that the age of majority is attained at the age of 18, on the basis of which it can be concluded that every human being under 18 years of age is considered a child. On the other hand, in normative texts there is a terminological confusion about the terms used to refer to children, because in the Constitution and laws different terms refer to children, and sometimes in the same normative text the child is denoted by different terms.

The **Constitution of the Republic of Serbia** uses the term "child" in Article 64, which guarantees the rights of the child, and uses the term "juvenile" in Article 32 to refer to the right to a fair trial. The **Family Law**<sup>3</sup> also uses the term "child", without a legal definition of the term, but in Article 64, which refers to legal capacity, it uses the term "younger minor," for a child under the age of 14, and the term "older minor" for a child who has reached the age of 14.

<sup>1</sup> Official Gazette of RS, no. 22/2009

<sup>2</sup> See Articles 2, 3 and 4 of the Law on the Prohibition of Discrimination

<sup>3</sup> Official Gazette of RS, nos. 18/2005, 72/2011 and 6/2015

The level of criminal law protection of child victims varies depending on the child's age. The **Criminal Code**<sup>4</sup> uses three terms for children (under the age of 18): a **minor** is a person from 0 to 18 years of age; a **child** is a person from 0 to 14 years of age; a **juvenile** is a person over 14 years of age but who has not attained 18 years of age<sup>5</sup>. The penalties imposed and the manner of prosecution for some criminal offenses vary depending on the age of the victim. The Criminal Code states that "a child is a person under fourteen years of age", and "a minor is a person who has not attained eighteen years of age, while "a juvenile is a person who has attained 14 years of age but who has not attained eighteen years of age.

The **Law on Juvenile Criminal Offenders and Criminal Law Protection of Minors**<sup>6</sup> defines the term "juvenile" is a person who at the time of commission of the criminal offence has attained 14 years of age but has not attained 18 years of age, and differentiates between the terms "younger juvenile" as a person who at the time of commission of the criminal offence has attained fourteen but not 16 years of age and "older juvenile" as a person who at the time of commission of the criminal offence has attained 16 but not 18 years of age.<sup>7</sup>

The Law on Social Protection<sup>8</sup>, uses the term "minor" as a synonym for "child" and uses the terms "young person", "the young" or "youth" to describe adults, i.e. persons up to the age of 26.

## Chapter II

### PREVENTIVE MEASURES

#### Article 5

##### Recruitment, Training and Awareness Raising of Persons Working in Contact with Children

*1. Each Party shall take the necessary legislative or other measures to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.*

According to the provisions of the **Law on Juvenile Criminal Offenders and Criminal Law Protection of Minors**, police officers, judges, prosecutors and lawyers with special skills in the field of the rights of the child and juvenile delinquency, deal with children – victims of certain criminal offences, including criminal offences against sexual freedom<sup>9</sup>.

The provisions of the Law on the **Prevention of Domestic Violence**<sup>10</sup> prescribe that police officers, public prosecutors, deputy public prosecutors and judges who apply this law are required to complete specialised training according to the programme adopted by the Judicial Academy. This applies to judicial officers and police officers who act in criminal proceedings related to the following criminal offenses: stalking; rape; sexual intercourse with a helpless person; sexual intercourse with a child; sexual intercourse through abuse of position; illicit sexual activity; sexual harassment; arranging and facilitating sexual intercourse; mediation in prostitution; displaying, procuring and possessing pornographic material and pornographic exploitation of minors; inducing a child to witness sexual activities; neglect and abuse of a minor; domestic violence; withholding financial support; violation of family responsibilities; incest; trafficking in human beings; other criminal offenses, if the offense was a result of domestic violence.<sup>11</sup>

There are no specific legal provisions on the training of judges adjudicating in family matters or in other areas of law, such as enforcement or misdemeanour proceedings. However, the provisions of the **Law on the Prevention of Domestic Violence** prescribe that police officers, public prosecutors, deputy public prosecutors and judges who apply this law are required to attend specialised training according to the programme adopted by the Judicial Academy. Since the procedures for imposing protection measures against domestic violence provided for by the Family Law and misdemeanour proceedings for violating the emergency measure imposed or extended, and misdemeanour proceedings against the responsible person in a government and other body, organisation and institution and the

<sup>4</sup> Official Gazette of RS, nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019

<sup>5</sup> Article 112 of the Criminal Code.

<sup>6</sup> Official Gazette of RS, no. 85/05

<sup>7</sup> Article 3 of the Law on Juvenile Criminal Offenders and Criminal Law Protection of Minors

<sup>8</sup> Official Gazette of RS, no. 24/11

<sup>9</sup> See Articles 150, 151, 154 and 165 of the Law on Juvenile Criminal Offenders and Criminal Law Protection of Minors

<sup>10</sup> Official Gazette of RS, no. 94/2016

<sup>11</sup> See Articles 5, 10 and 28 of the Law on the Prevention of Domestic Violence

responsible person in a legal entity, because they failed to notify without delay or failed to react to a notification or obstructed the notification or reaction to any knowledge of domestic violence or its imminent danger, are also considered as subject-matter of prevention of domestic violence, it can be concluded that training on violence, including sexual violence against children, is also envisaged for judges in family matters who adjudicate in disputes for protection against violence and in misdemeanour proceedings in connection with notifications or protection measures.

According to the provisions of the **Law on Social Protection**, social protection staff have an obligation of continuous professional development. Professional development is also a prerequisite for both license renewal and promotion. This training, due to the nature of the work and profession of social protection staff, necessarily includes the acquisition of knowledge about the rights of the child.<sup>12</sup>

According to the provisions of the **Law on the Fundamentals of the Education System**<sup>13</sup>, staff in education institutions have an obligation of continuous professional development, in accordance with the general education principles and goals.

The principles of education include, inter alia: equality and accessibility of exercising the right to education based on social justice and the principle of equal opportunities without discrimination; focus of education on the child and the student through various forms of learning, teaching and assessment that meet the different needs of the child and the student, develop motivation for learning and raise the quality of achievement; respect for human rights and the rights of every child, student and adult and respect for human dignity; education in a democratically organised and socially responsible institution fostering openness, cooperation, tolerance, awareness of cultural and civilisational cohesion in the world, commitment to fundamental moral values, values of justice, truth, solidarity, freedom, honesty and responsibility and in which full respect for the rights of the child, the student and the adult are ensured; high-quality education for all; quality and balanced education, based on the progress and achievements of modern science, application of the achievements of scientific disciplines relevant to the education process and adapted to the age-related and personal educational needs of each child, student and adult; democracy through the engagement of all stakeholders in the education system in the creation and implementation of education policies, respecting needs and rights coupled with obligations and responsibilities.

The main goals of education include, inter alia: ensuring the well-being and support to the overall development of the child, the student and the adult; providing a supportive and safe environment for the full development of the child, the student and the adult, developing non-violent behaviour and establishing zero tolerance for violence; developing and practicing healthy lifestyles, awareness of the importance of own health and safety, the need to foster and develop physical abilities; developing awareness of the importance of sustainable development, the protection and conservation of nature and the environment, and environmental ethics, protection and welfare of animals; developing competencies for coping with and actively participating in today's changing society; full intellectual, emotional, social, moral and physical development of each child, student and adult, in accordance with their age, developmental needs and interests; developing self-awareness, creative skills, critical thinking, motivation to learn, skills of teamwork, self-evaluation, self-initiative and self-expression; empowerment to make valid decisions about the choice of further education and profession, own development and future life; developing positive human values; developing a sense of solidarity, understanding and constructive collaboration with others and fostering comradeship and friendship; developing competencies to understand and respect the rights of the child, human rights, civil liberties and the capacity to live in a democratically organised and just society; development and respect for racial, national, cultural, linguistic, religious, gender, sexual and age equality, tolerance and respect for diversity; developing personal and national identity, developing awareness and sense of belonging to the Republic of Serbia, respect and promotion of the Serbian language and mother tongue, tradition and culture of the Serbian people and national minorities, development of interculturalism, respect and preservation of national and world cultural heritage.<sup>14</sup>

There are no specific legal provisions prescribing professional development in the field of the rights of the child for persons working in healthcare, sports, culture and media.

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<sup>12</sup> See Articles 5 and 144 of the Law on Social Protection

<sup>13</sup> Official Gazette of RS, nos. 88/2017, 27/2018, 10/2019 and 27/2018

<sup>14</sup> See Articles 7, 8 and 151

## Chapter II

### PREVENTIVE MEASURES

#### Article 5

##### Recruitment, Training and Awareness Raising of Persons Working in Contact with Children

*2. Each Party shall take the necessary legislative or other measures to ensure that the persons referred to in paragraph 1 have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility mentioned in Article 12, paragraph 1.*

There is no explicit legal provision prescribing the training of professionals in the field of sexual exploitation and sexual abuse of children.

It can be implicitly concluded that there is an obligation to be trained in this field for judges, prosecutors, lawyers and police officers, since knowledge of the field of the rights of the child is a prerequisite for acting in cases of criminal offenses against sexual freedom and other criminal offenses that have elements of sexual exploitation and sexual violence, while training in the field of violence, including violence against children, is a precondition for acting under the Law on the Prevention of Domestic Violence.

## Chapter II

### PREVENTIVE MEASURES

#### Article 5

##### Recruitment, Training and Awareness Raising of Persons Working in Contact with Children

*3. Each Party shall take the necessary legislative or other measures, in conformity with its internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children.*

A requirement for employment in education institutions, in accordance with the provisions **Law on the Fundamentals of the Education System**, is that the individual has not been convicted by a final judgement of a crime and sentenced without parole to at least three months in prison, or of crimes such as **domestic violence, removal of a minor, neglect and abuse of a minor or incest; of a crime of giving or taking bribe; of crimes against sexual freedom**, against legal transactions and against humanity and other goods protected by international law, regardless of the criminal sanction pronounced, and that such individual has not been ascertained, in keeping with the law, to have engaged in discriminatory behaviour. An employee who, in the course of employment, is convicted of these criminal offences is terminated<sup>15</sup>.

**The Law on Health Care**<sup>16</sup> stipulates that a medical professional cannot obtain a work license if he or she has been sentenced to one or more years in prison for a premeditated criminal offense, or to imprisonment for a criminal offense against human health, or has been pronounced by a final court decision a security measure in accordance with the Criminal Code, namely: compulsory psychiatric treatment and confinement in a health care institution, compulsory out-patient psychiatric treatment, compulsory treatment of drug addicts, compulsory treatment of alcoholics, or prohibition of engaging in a profession, of engaging in activities and duties due to which he or she cannot engage in health care activities. The license is revoked if a medical professional is convicted of a premeditated criminal offense to imprisonment for a term of six months or more, or imprisonment for a criminal offense against human health, and a security measure in accordance with the Criminal Code, namely: compulsory psychiatric treatment and confinement in a health care institution, compulsory out-patient psychiatric treatment, compulsory treatment of drug addicts, compulsory treatment of alcoholics, prohibition of engaging in a profession, activity and duty due to which he or she cannot engage in health care activities (in this case, the licence is revoked temporarily). **There are no specific**

<sup>15</sup> See Articles 139 and 167 of the Law on the Fundamentals of the Education System

<sup>16</sup> Official Gazette of RS, no. 25/2019

provisions in relation to crimes committed against children, nor to crimes against sexual freedom<sup>17</sup>.

The Law does not prescribe any special requirements in relation to a conviction for criminal offenses when it comes to employment in the social care system.

**Law on Special Measures to Prevent Sexual Offenses against Sexual Freedom Perpetrated against Minors**<sup>18</sup> prescribes, as a legal consequence of conviction for criminal offenses against sexual freedom perpetrated against children, the termination of public office; termination of employment, or termination of engaging in the occupation or profession related to working with minors; ban on holding public office; prohibition of employment, or engaging in the occupation or profession related to working with minors. The ban lasts for 20 years, and the time spent serving the sentence does not count towards that period. The law also mandates that a final judgment convicting a person of these criminal offenses be delivered to the employer.

This law also stipulates that separate records are to be maintained of persons convicted of criminal offenses against sexual freedom perpetrated against minors, that the data from these records cannot be erased and are kept permanently, and that the data can also be given to a government body, enterprise, other organisation or sole proprietorship if the legal consequences of the conviction persist and if there is a legitimate legally-grounded interest in doing so.

At the same time, the law also prescribes the obligation of government and other bodies, as well as legal entities or sole proprietorships that work with minors, to request information whether a person who is to establish employment with them and engage with minors, is registered in the special records.<sup>19</sup>

## Chapter II

### PREVENTIVE MEASURES

#### Article 6

##### Education for Children

*Each Party shall take the necessary legislative or other measures to ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacity. This information, provided in collaboration with parents, where appropriate, shall be given within a more general context of information on sexuality and shall pay special attention to situations of risk, especially those involving the use of new information and communication technologies.*

**Sex education is not part of the curriculum.** Curricula do not include topics related to protection against sexual exploitation and sexual abuse. Although a sex education package was developed in 2016, it was not included in the curriculum because of the public reaction to the content of the educational package, which talked about how children can recognise sexual violence against them, as well as because of the content related to the LGBTI population. The Ministry of Education withdrew the educational package, and **to date no sex education syllabus has been developed nor has sex education become part of formal education.**

## Chapter II

### PREVENTIVE MEASURES

#### Article 7

##### Preventive Intervention Programmes or Measures

*Each Party shall ensure that persons who fear that they might commit any of the offences established in accordance with this Convention may have access, where appropriate, to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed.*

<sup>17</sup> See Articles 182 and 185 of the Law on Health Care

<sup>18</sup> Official Gazette of RS, no. 32/2013

<sup>19</sup> See Articles 6, 13, 14 and 15

- Protection supervision with one or more obligations. Some of the prescribed obligations include treatment in an appropriate health care institution and visiting certain professional and other counselling centres or institutions and adhering to their instructions;
- Security measures, including: compulsory psychiatric treatment and confinement in a health care institution; compulsory out-patient psychiatric treatment; compulsory treatment of drug addicts; compulsory treatment of alcoholics<sup>20</sup>;
- Special measures against offenders of criminal offences against sexual freedom committed against children, including the compulsory visits to professional counselling centres and institutions<sup>21</sup>.

These measures are essentially aimed at preventing criminal reoffending and reducing the risk of criminal offenses.

## Chapter II

### PREVENTIVE MEASURES

#### Article 8

##### Measures for the General Public

*1. Each Party shall promote or conduct awareness raising campaigns addressed to the general public providing information on the phenomenon of sexual exploitation and sexual abuse of children and on the preventive measures which can be taken.*

- Click Safely, website of the Ministry of Trade, Tourism and Telecommunications, <https://kliknibezbedno.wordpress.com>
- Smart and Safe, website of the Ministry of Trade, Tourism and Telecommunications, <http://www.pametnoibezbedno.gov.rs/rs-lat>.
- National Call Centre for Child Online Safety, with a toll-free telephone number <https://www.pametnoibezbedno.gov.rs/kontakt-centar/>
- Your Internet Number – a campaign by the Ministry of Trade, Tourism and Telecommunications for the protection of children and youth on-line
- IT Roadshow, a school campaign of the Ministry of Trade, Tourism and Telecommunications. In 2019 it was implemented benefiting a total of 2000 pupils from 25 schools in five cities in Serbia.

These campaigns address, among other things, the protection of children from sexual predators and sexual violence through digital technologies.

**Specific campaigns aimed at raising public awareness of sexual violence against children have not been organised,** except for the activities of the Incest Trauma Centre, a non-governmental organisation that was also the official promoter of the Council of Europe's "1 in 5" campaign in Serbia.

<sup>20</sup> See Articles 71, 73 and 79 of the Criminal Code

<sup>21</sup> See Articles 7 and 10 of the Law on Special Measures to Prevent Sexual Offenses against Sexual Freedom Perpetrated against Minors

## Chapter II

### PREVENTIVE MEASURES

#### Article 8

##### Measures for the General Public

*2. Each Party shall take the necessary legislative or other measures to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention.*

Procuring for oneself or another, possessing, selling, displaying, publicly exhibiting or electronically or otherwise making available material (texts, pictures, audio-visual or other items of pornographic content resulting from child exploitation) is prescribed as a criminal offence. Consciously accessing, by means of information technology, pictures, audio-visual or other items of pornographic content resulting from child exploitation is also prescribed as a criminal offence<sup>22</sup>.

## Chapter II

### PREVENTIVE MEASURES

#### Article 9

##### Participation of Children, the Private Sector, the Media and Civil Society

*3. Each Party shall encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or others initiatives concerning the fight against sexual exploitation and sexual abuse of children.*

Media coverage of sexual exploitation and sexual abuse of children is often fraught with sensationalism, and the manner of reporting victimises the victim. Such media reporting is prohibited<sup>23</sup> by the **Law on Public Information and Media**<sup>24</sup>, as well as the **Rulebook on the Protection of the Rights of Minors in the Field of Media Service Provision**<sup>25</sup>.

## Chapter III

### SPECIALISED AUTHORITIES AND CO-ORDINATING BODIES

#### Article 10

##### National Measures of Co-ordination and Collaboration

*1. Each Party shall take the necessary measures to ensure the co-ordination on a national or local level between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children, notably the education sector, the health sector, the social services and the law-enforcement and judicial authorities.*

Year 2017 saw the start of the implementation of the **Law on the Prevention of Domestic Violence**, the application of which has been determined in relation to several criminal offenses, including certain offenses against sexual freedom perpetrated against children (rape, sexual intercourse with a helpless person; sexual intercourse with a child; sexual intercourse through abuse of position; illicit sexual activity; sexual harassment; arranging and facilitating sexual intercourse; mediation in prostitution; displaying, procuring and possessing pornographic material and pornographic

<sup>22</sup> Article 185 of the Criminal Code

<sup>23</sup> See Articles 77, 78, 79 and 80 of the Law on Public Information and Media and Articles 4 and 27 of the Rulebook on the Protection of the Rights of Minors in the Field of Media Service Provision

<sup>24</sup> Official Gazette of RS, nos. 83/2014, 58/2015 and 12/2016

<sup>25</sup> Official Gazette of RS, no. 25/2015

exploitation of minors; inducing a child to witness sexual activities) when perpetrated by a family member (a spouse or common-law partner, a blood relative in a direct line, or in a lateral line up to the second degree, in-law up to the second degree, adoptive parent, adopted or foster child or foster parent or another person with whom the victim lives or has lived in the common household). This law covers both the crime of incest and the crime of stalking, **but not of cohabitation with a juvenile, even though it is an offence involving sexual activity with children.**

**The Law on the Prevention of Domestic Violence** prescribes an obligation to cooperate on the prevention of domestic violence, stating that police departments, basic and higher public prosecutor's offices, basic and higher courts and centres for social work must appoint liaison officers. The liaison officers exchange on a daily basis information and data relevant for preventing domestic violence, detecting, prosecuting and trying the criminal offenses specified in this law and for providing protection and support to victims of domestic violence and victims of crimes defined by this law. Furthermore, the law prescribes the obligation to establish a group for coordination and collaboration in the territory of each basic public prosecutor's office. The group for coordination and collaboration consists of representatives of basic public prosecutor's offices, police departments and centres for social work, from the territory for which the group is formed. It examines each case of domestic violence that was not concluded with a final court decision in civil or criminal proceedings, cases when protection and support should be provided to victims of domestic violence and victims of criminal offenses under this law, prepares an individualised plan of protection and support to the victim and proposes to the relevant public prosecutor's office measures for the conclusion of judicial proceedings. The group for coordination and collaboration holds meetings at least once every 15 days, which may, where appropriate, be attended by representatives of education and health care institutions and the National Employment Service, representatives of other legal entities and associations and individuals who provide protection and support to victims.<sup>26</sup>

The **General Protocol for the Protection of Children against Abuse and Neglect** from 2005 establishes a multisectoral network to protect children from abuse, neglect, exploitation and violence. Special protocols for handling cases of violence against children regulate internal procedures within the system and within individual institutions. They were adopted by the Ministry of Labour, Employment, Veteran and Social Affairs (**Special Protocol for the Protection of Children against Abuse and Neglect in Social Care Institutions** from 2005, which regulates procedures in the social care system, and assigns the role of coordinator to centres for social work in the child protection process), the Ministry of the Interior (**Special Protocol on the Conduct of Police Officers in the Protection of Minors from Abuse and Neglect** from 2007, which regulates procedures for the conduct of police officers in cases violence against children); Ministry of Education, Science and Technological Development (**Special Protocol for the Protection of Children and Students against Violence, Abuse and Neglect in Education Institutions** from 2007, which was transposed in 2010 into binding provisions of the **Rulebook on the Protocol of Conduct in Institutions in Response to Violence, Abuse and Neglect**<sup>27</sup>); the Ministry of Justice (**Special Protocol on the Conduct of Judicial Authorities in the Protection of Minors against Abuse and Neglect** from 2009) focuses on specific measures and actions of judicial office holders in proceedings aimed at protecting children from abuse and neglect and at intensifying cooperation with other public authorities in this area); the Ministry of Health (**Special Protocol of the Health Care System for the Protection of Children against Abuse and Neglect** from 2009, which defines the manner of conduct of medical professionals and associates and their cooperation with other sectors in cases of abuse and neglect of children). All protocols define the forms of violence, including sexual.

**Law on the Fundamentals of the Education System** prescribes the prohibition of violence, abuse and neglect and the obligation of the education institution to notify immediately the competent authority if signs of violence, abuse or neglect are observed in a child, student or adult. The law defines forms of violence, including sexual<sup>28</sup>. In 2019, a new **Rulebook on the Protocol of Conduct in Education Institutions in Response to Violence, Abuse and Neglect** was adopted<sup>29</sup>, prescribing forms of violence, including sexual, preventive activities, intervention activities and the obligation of multidisciplinary cooperation in cases of violence requiring the involvement of other authorities and services.

In 2012, the Government of the Republic of Serbia established the Centre for the Protection of Victims of Trafficking in Human Beings. The Centre is established as a social care institution, performs the tasks of assessing the status, needs, strengths and risks of victims of trafficking, performs identification tasks and provides adequate assistance and support to victims of trafficking for the purpose of their recovery and reintegration. In this regard, the Centre coordinates the activities of providing social care services to victims of trafficking in human beings, cooperates with centres for social work, residential institutions for beneficiaries, other bodies, services and organisations.

<sup>26</sup> See Articles 3, 4, 24, 25 and 26 of the Law on the Prevention of Domestic Violence

<sup>27</sup> Official Gazette of RS, no. 30/10.

<sup>28</sup> See Article 111 of the Law on Fundamentals of the Education System

<sup>29</sup> Official Gazette of RS, no. 46/2019

### SPECIALISED AUTHORITIES AND CO-ORDINATING BODIES

#### Article 10

##### National Measures of Co-ordination and Collaboration

*2. Each Party shall take the necessary legislative or other measures to set up or designate:*

*b) mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection.*

**Different authorities keep records in different ways, and differences in the way they are recorded make it difficult and even impossible to match the data on sexual abuse of children.**

The Statistical Office of the Republic of Serbia has data on the number of criminal reports, by criminal offence, on the number of indictments by criminal offence and on the number of convictions by criminal offence. The data is classified in different ways (by gender, data whether the offender is an adult or a juvenile, report filer, type of decision of the prosecutor's office/court, duration of the procedure from the report to the decision, sanctions imposed, etc. The statistics provide an overview of data on criminal convictions for criminal offences against sexual freedom perpetrated against children. The Statistical Office of the Republic of Serbia has no data on the number of persons reported or indicted for committing a criminal offence against sexual freedom perpetrated against a child, unless the procedure is concluded with a conviction, or has not even been initiated (unknown offender). Furthermore, there are no statistics on acts of sexual violence against children not covered by criminal but by civil proceedings for protection against violence, and no data on the number of reports and suspicions of sexual exploitation and sexual abuse of children reported or notified to the guardianship authorities.

**The Law on Special Measures for the Prevention of Criminal Offenses against Sexual Freedom Perpetrated against Minors** also stipulates that separate records are kept of persons convicted of criminal offenses against sexual freedom perpetrated against minors and that the data from these records cannot be deleted. The data to be entered include: first and last name of the convicted person; personal identification number of the convicted person; convicted person's permanent residence; data on the convicted person's employment; data of importance for the physical identification of the convicted person and his or her pictures; DNA profile of the convicted person; data on the criminal offence and the sentence he or she received; data on the legal consequences of the conviction; data on the implementation of special measures prescribed by this law<sup>30</sup>.

**The Family Law** prescribes that the court is under the obligation to deliver the judgements in disputes for the protection against violence to the guardianship authority in the territory of which the family member against whom the violence was perpetrated has a permanent or temporary residence, as well as to the guardianship authority in the territory of which the family member against whom the protection measure was imposed has a permanent or temporary residence. The guardianship authority is obliged by the law to keep records and documentation on the persons against whom violence was perpetrated and the persons against whom the protection measure was imposed<sup>31</sup>.

**The Law on the Prevention of Domestic Violence** prescribes that police departments, courts, prosecutor's offices and centres for social work keep records of reported cases of domestic violence, the imposition and execution of emergency measures, the implementation of protection measures against domestic violence, motions for the extension of emergency measures and petitions for the introduction of protection measures against domestic violence, decisions on motions for the extension of emergency measures, certain protection measures against domestic violence, implementation of individualised plans for protection and support for the victim. These data are entered in the Central Register maintained by the Republic Public Prosecutor's Office<sup>32</sup>.

The guardianship authorities keep records of reports of domestic violence submitted to them by type of violence, including sexual. The guardianship authorities, however, do not keep a record of reports of violence that pertain to other than family environments. This data is presented in the reports of the Republic Institute for Social Protection

<sup>30</sup> See Article 13 of the Law on Special Measures for the Prevention of Criminal Offenses against Sexual Freedom Perpetrated against Minors

<sup>31</sup> See Article 289 of the Family Law

<sup>32</sup> See Article 32 of the Law on the Prevention of Domestic Violence

during the current year for the previous year.

The Centre for the Protection of Victims of Trafficking in Human Beings keeps statistics which it presents in monthly, quarterly and annual reports, on the number of reports, identifications, report filers, but also on the type of exploitation, including sexual, classified by sex, age and country of origin.

## Chapter IV

### PROTECTION MEASURES AND ASSISTANCE TO VICTIMS

#### Article 11

##### Principles

*1. Each Party shall establish effective social programmes 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.*

**The Law on the Prevention of Domestic Violence**, which also applies in cases of sexual violence against children, stipulates that the victim is entitled to:

- information about the authorities, legal entities and associations that provide protection and support, in a manner and in a language the victim of violence understands
- free legal aid
- protection and support.

The law stipulates that the competent authorities develop an individualised plan of support and protection of victims and other family members needing support. The victim also participates in the preparation of the individualised plan of victim's protection and support, if he or she so wishes and his or her emotional and physical condition allows it<sup>33</sup>.

The Law on Special Measures to Prevent Criminal Offenses against Sexual Freedom Perpetrated against Minors, the Family Law and the Law on Social Protection do not contain any special provisions on supporting a child victim of a criminal offense against sexual freedom, but the **Law on Social Protection** prescribes counselling-therapy and social-educational services, including counselling and support in cases of violence, and family therapy<sup>34</sup>.

Since 2014, economic austerity measures have reduced the already insufficient measures for supporting children and families with children and community services. Regulations introducing economic austerity and economic recovery measures, and above all regulations imposing restrictions on public sector employment, made it significantly more difficult to establish and develop additional child support services. A linear public sector employment restriction that did not take into account the needs of children and the resources of local government units, prevented or hindered the development of services at the local and national levels, resulting in services not being available to children in need. The Law on the Method of Determining the Maximum Number of Public Sector Employees<sup>35</sup>, which was in force until 31 December 2019, defined the maximum number of employees in government and other bodies, services and other organisations financed from the budget, many of which provide services to children. The law introduced a linear restriction of the possibility of employment in all these authorities, institutions and services. Due to this restriction, there has been a decrease in the number of employees in authorities, institutions and services dealing with children (schools, health care institutions, social care institutions, inspection services, etc.), the services of which are vital for the child's right to life, survival and development. Given that, at the onset, the statutory maximum number of employees was lower than the actual number (and in many cases - the required) number of employees, and that there was an outflow of employees due to retirement or change of job, with no possibilities to fill such vacancies due to the provisions of the Law on the Method of Determining the Maximum Number of Public Sector Employees, the number of employees has been further reduced.

This law ceased to be in force on 31 December 2019, but the amendments to the Budget System Law<sup>36</sup> stipulate

<sup>33</sup> See Articles 29, 30 and 31 of the Law on the Prevention of Domestic Violence

<sup>34</sup> See Article 40 of the Law on Social Protection

<sup>35</sup> Official Gazette of RS, nos. 68/15 and 81/16.

<sup>36</sup> Official Gazette of RS, nos. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013, 63/2013, 108/2013, 142/2014, 68/2015, 103/2015, 99/2016, 113/2017, 95/2018, 31/2019 and 72/2019

that beneficiaries of public funds (which include all services and institutions involved in providing support and protection against sexual violence, such as health care institutions, social care institutions, the police, judiciary and other public sector bodies and organisations) cannot recruit new staff to fill vacancies until 31 December 2020. Only exceptionally, new staff can be employed based with the consent of a Government body, upon the proposal of the competent ministry, or other competent authority, with the previously obtained opinion of the Ministry<sup>37</sup>.

The Republic Institute for Social Protection estimated back in 2016 that the trend of reduction of the number of professional staff would “undermine the efficiency and quality of professional work ...”.<sup>38</sup> The lack of professional staff as a result of the implementation of the Law on the Method of Determining the Maximum Number of Public Sector Employees has led to the suspension of regulations on professional standards and employment standards in public services working with children, directly causing harm to children’s rights, and significantly contributing to shortcomings in the work of centres for social work at the expense of the rights of the child.

Financial and economic reasons have also led to the insufficient number of counselling units for children and adolescents in Serbia, which are more than needed by this population. According to the data of the Republic of Serbia, which is provided in Annex 1 of the Second and Third Periodic Report on the Implementation of the Convention on the Rights of the Child in the Republic of Serbia, youth counselling is available to young people in only 40 health centres. The number of developmental counselling units (for preschool and pre-adolescent children) is even smaller – they exist in only 36 municipalities<sup>39</sup>.

## Chapter IV

### PROTECTION MEASURES AND ASSISTANCE TO VICTIMS

#### Article 11

##### Principles

*2. 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.*

In the territory of Serbia there is a significant number of children on the move, a relatively large number of whom are unaccompanied children. The Republic of Serbia has established a number of services for them, including certain services for protection against violence. When providing services, as well as in the course of authorities’ activities, in a situation where a person declares that he or she is a minor and does not have any identity document, that person is treated as a minor (child) and no invasive procedures for establishing the age of that person are carried out.

## Chapter IV

### PROTECTION MEASURES AND ASSISTANCE TO VICTIMS

#### Article 12

##### Reporting Suspicion of Sexual Exploitation or Sexual Abuse

*1. 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.*

<sup>37</sup> See Article 27e of the Budget System Law

<sup>38</sup> Available at: <http://www.zavodsz.gov.rs/>

<sup>39</sup> Annex 1 to the Second and Third Periodic Report on the Implementation of the Convention on the Rights of the Child in the Republic of Serbia, p. 94.

According to the provisions of the **Criminal Procedure Code**<sup>40</sup>, government and other bodies, legal persons and individuals report criminal offences which are prosecutable ex officio and about which they were informed or they learn in another manner<sup>41</sup>. However, the **Criminal Code** sanctions non-reporting of a crime as a separate crime only in the case of a criminal offense punishable by life imprisonment or a prison sentence of five or more years, without penalising a person who learned of the criminal offense in the capacity of a defence lawyer, doctor or religious confessor of the offender<sup>42</sup>.

According to the provisions of the **Law on the Prevention of Domestic Violence**, each person must report to the police or public prosecutor without delay domestic violence or imminent danger thereof. Government and other bodies, organisations and institutions are obliged to report to the police or public prosecutor without delay any knowledge of or imminent danger of domestic violence.<sup>43</sup>

**The Law on Patients' Rights**<sup>44</sup> stipulates that the patient has the right to confidentiality of all personal information, which the patient has communicated to the competent medical professional or medical associate, including those concerning his or her health status and potential diagnostic and therapeutic procedures, as well as the right to protection of his or her privacy during the conduct of diagnostic tests and treatment as a whole. The medical professional or medical associate is forbidden from communicating this information to other persons. Furthermore, this law stipulates that health data and data from medical records are patient's personal data and represent particularly sensitive patient's personal data, in accordance with law on Personal Data Protection. Medical professionals and associates and other persons employed with health care institutions are obliged to keep it confidential and are prohibited from disclosing this information without proper authorisation. Unauthorised disclosure is any disclosure of this information without a consent of the person to whom the data relate. Medical professionals and medical associates, as well as other persons employed with health care institutions, may be relieved of their data confidentiality obligations only with a written consent of the patient or his legal representative, or on the basis of a court decision<sup>45</sup>.

**Due to the normative confusion and different regulation of the reporting obligation, it is common for medical professionals not to provide information about the criminal offender to the competent services, such as social care institutions, referring to the Law on Patients' Rights and the Law on Personal Data Protection.**

## Chapter IV

### PROTECTION MEASURES AND ASSISTANCE TO VICTIMS

#### Article 13

##### Helplines

*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.*

As a social care service, the Law on Social Protection also prescribes helplines, as a service established and financed by local government units<sup>46</sup>.

## Chapter IV

### PROTECTION MEASURES AND ASSISTANCE TO VICTIMS

#### Article 14

40 Official Gazette of RS, nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019

41 See Article 280 of the Criminal Procedure Code

42 See Article 332 of the Criminal Code

43 See Article 13 of the Law on the Prevention of Domestic Violence

44 Official Gazette of RS, nos. 45/2013 and 25/2019

45 See Articles 14, 21 and 22 of the Law on Patients' Rights

46 See Article 40 of the Law on Social Protection

## Assistance to Victims

1. *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. Measures taken pursuant to this paragraph shall take due account of the child's views, needs and concerns.*
2. *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.*
3. *When the parents or persons who have care of the child are involved in his or her sexual exploitation or sexual abuse, the intervention procedures taken in application of Article 11, paragraph 1, shall include:*
  - *the possibility of removing the alleged offender;*
  - *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 Law on the Prevention of Domestic Violence** prescribes that, after receiving a report of domestic violence and conducting a risk assessment, the police may impose an emergency measure against the offender. Emergency measures are: the measure of temporary removal of the offender from the dwelling and the measure of a temporary restraining order. By the order of the police, one or both measures may be imposed against the offender, depending on the risk assessment. The police measure is imposed for a period of up to 48 hours. Within 24 hours of service of the measure, the public prosecutor may file a motion to extend the measure up to 30 days, which is decided on by the court.<sup>47</sup>

**The Family Law** stipulates that, in the case of domestic violence, the following measures could be imposed: issuing an order for the offender's removal from the family dwelling, regardless of the ownership or lease of the property; issuing an order for the victim's moving into the family dwelling, regardless of the ownership or lease of the property; a restraining order; prohibition of further harassment of a family member. The measures are imposed in civil proceedings and may last up to one year.<sup>48</sup>

**The Law on Social Protection** also prescribes urgent social service interventions, which are implemented to ensure safety in situations that endanger the life, health and development of the beneficiaries. In the case of sexual abuse of a child, it is possible to carry out an urgent intervention and remove the child from the parent family and provide the child with alternative care (primarily placement in a foster family). This decision is made where there is no non-violent parent with whom the child can stay and receive support, or a relative who can provide the child with security, assistance and support.<sup>49</sup>

According to the **Family Law**, sexual abuse and exploitation of a child is a reason for the total deprivation of parental rights.<sup>50</sup>

## Chapter VI

### SUBSTANTIVE CRIMINAL LAW

#### Article 18

#### Sexual Abuse

1. *Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is criminalised:*
  - a. *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;*
  - b. *engaging in sexual activities with a child where:*

<sup>47</sup> See Articles 17, 18, 19 and 21 of the Law on the Prevention of Domestic Violence

<sup>48</sup> See Article 198 of the Family Law

<sup>49</sup> See Article 56 of the Law on Social Protection

<sup>50</sup> See Article 81 of the Family Law

- *use is made of coercion, force or threats; or*
- *abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or*
- *abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.*

*2. For the purpose of paragraph 1 above, each Party shall decide the age below which it is prohibited to engage in sexual activities with a child.*

*3. The provisions of paragraph 1.a are not intended to govern consensual sexual activities between minors.*

## **Article 19**

### **Offences Concerning Child Prostitution**

*1. Each Party shall take the necessary legislative or other 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*

*2. For the purpose of the present article, the term “child prostitution” shall mean the fact of using 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 party.*

## **Article 20**

### **Offences Concerning Child Pornography**

*1. 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.*

*2. For the purpose of the present article, the term “child pornography” shall mean any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes.*

*3. Each Party may reserve the right not to apply, in whole or in part, paragraph 1.a and e to the production and possession of pornographic material:*

- *consisting exclusively of simulated representations or realistic images of a non-existent child;*
- *involving children who have reached the age set in application of Article 18, paragraph 2, where these images are produced and possessed by them with their consent and solely for their own private use.*

*4. Each Party may reserve the right not to apply, in whole or in part, paragraph 1.f.*

## Article 21

### Offences Concerning the Participation of a Child in Pornographic Performances

1. Each Party shall take the necessary legislative or other measures 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.

2. Each Party may reserve the right to limit the application of paragraph 1.c to cases where children have been recruited or coerced in conformity with paragraph 1.a or b.

## Article 22

### Corruption of Children

Each Party shall take the necessary legislative or other measures to criminalise the intentional causing, for sexual purposes, of a child who has not reached the age set in application of Article 18, paragraph 2, to witness sexual abuse or sexual activities, even without having to participate.

## Article 23

### Solicitation of Children for Sexual Purposes

Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offences established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting.

The Criminal Code prescribes the following offenses against sexual freedom:

- **Rape** (Whoever forces another to sexual intercourse or an equivalent act by use of force or threat of direct attack against the body of such a person or a person close to him or her);
- **Sexual intercourse with a helpless person** (Whoever has sexual intercourse with another or engages an equivalent act by taking advantage of such person's mental illness, mental disability or other mental disorder, infirmity or some other state of that person due to which such person is incapable of resistance);
- **Sexual intercourse with a child** (Whoever has sexual intercourse or engages in an equivalent act with a child – relating to children under the age of 14);
- **Sexual intercourse through abuse of position** (Whoever, through abuse of position, induces to sexual intercourse or an equivalent act a person who is in a subordinate or dependant position);
- **Illicit sexual activities** (Whoever under conditions prescribed for the previously mentioned criminal offences engages in some other sexual activities);
- **Sexual harassment** (Whoever sexually harasses another. Sexual harassment is any verbal, non-verbal or physical behaviour aimed at or presenting a violation of dignity of another in the sphere of sexual life, causing fear or creating a hostile, degrading or offensive environment);
- **Arranging and facilitating sexual intercourse** (Whoever arranges sexual intercourse or an equivalent act or other sexual act with a minor);
- **Mediation in prostitution** (Whoever causes or induces another person to prostitution or participates in

handing over a person to another for the purpose of prostitution, or whoever by means of media or similar means promotes or advertises prostitution);

- **Displaying, procuring and possessing pornographic material and pornographic exploitation of minors** (Whoever sells, shows or publicly displays or otherwise makes available texts, pictures, audio-visual or other items of pornographic content to a minor or shows to a child a pornographic performance, exploits a minor in order to produce pictures, audio-visual or other items of pornographic content or for a pornographic performance, procures for himself or herself or another, possesses, sells, shows, publicly displays or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting from the abuse of a minor, by means of information technology intentionally accesses images, audio-visual or other items of pornographic content resulting from the exploitation of a minor. Items of pornographic content resulting from the exploitation of a minor (child pornography) are understood to mean any material that visually depicts a minor engaged in actual or simulated sexually explicit behaviour, as well as any depiction of sexual organs of a child for sexual purposes);
- **Inducing a child to witness sexual activities** (Whoever induces a minor to witness a rape, sexual intercourse, or an equivalent act, or some other sexual activity);
- **Misuse of computer networks or communication by other technical means to commit criminal offences against sexual freedom perpetrated against a minor** (Whoever with an intent to commit a previously mentioned offence by using computer networks or communication by other technical means arranges to meet with a minor and arrives at the prearranged meeting place in order to meet with the minor).

**The Criminal Code** provides for the following criminal offenses that are or may be forms of sexual abuse and sexual exploitation of a child:

- **Domestic violence** (Whoever by use of violence, threat of attack against life or body, insolent or ruthless behaviour endangers the peace of mind, physical integrity or mental state of a member of his or her family);
- **Abuse and neglect of a minor** (A parent, adoptive parent, guardian or another person abusing a minor or forcing the minor to engage in excessive labour or labour incompatible with the age of the minor or in begging or for his or her own gain induces the minor to engage in other activities detrimental to his or her development)
- **Cohabitation with a juvenile** (An adult cohabiting with a juvenile shall be punished. A parent, adoptive parent or guardian who enables the juvenile to cohabit with an adult or induces the minor to do so shall be punished. If they enter into marriage, prosecution shall not be initiated, and if initiated, it shall be terminated);
- **Incest** (An adult who engages in sexual intercourse or an equivalent sexual act with an underage lineal relative by blood, or an underage sibling, shall be punished);
- **Stalking** (Whoever persistently and over a period of time follows another unlawfully or engages in other unsolicited activities for the purpose of physically approaching such person; attempts to establish unsolicited contact with him or her directly, through a third party or by using means of communication; threatens to assault the life, body or freedom of another person or a person close to him or her; takes other similar actions in a manner that could significantly endanger the personal life of the person against whom such actions are taken);
- **Trafficking in human beings** (Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, hands over, sells, buys, acts as intermediary in sale, hides or holds another person for the purpose of exploitation of such person's labour, forced labour, commission of criminal offences, prostitution or other form of sexual exploitation, begging, pornographic abuse, slavery or servitude, removal of organs or body parts or service in armed conflicts).

**The Criminal Code does not recognise the concept of abuse of trust**, but abuse of position, or abuse of the child's subordination or dependency relationship and abuse of his or her authority and position by a person entrusted with the child for the purpose of teaching, bringing up, caring, citing persons who are always in such a position in relation to a child (teacher, guardian, adoptive parent, parent, stepparent)<sup>51</sup>.

Criminal law protection of child victims of criminal offences of rape, sexual intercourse with a helpless person, sexual intercourse with a child, sexual intercourse through abuse of position, illicit sexual activities, arranging and facilitating sexual intercourse, mediation in prostitution, displaying, procuring and possessing pornographic material and pornographic exploitation of a minor, inducing a child to witness sexual activities, is subject to the rules of the

<sup>51</sup> See Articles 138a, 178, 179, 180, 181, 182, 182a, 183, 184, 185, 185a, 185b, 190, 193, 194, 197 and 388 of the Criminal Code

**Law on Special Measures to Prevent Criminal Offenses against Sexual Freedom Perpetrated against Minors<sup>52</sup>**, which promote the protection of children against sexual abuse and sexual exploitation. **However, the criminal offenses of domestic violence (which may include sexual violence), sexual harassment as a form of sexual abuse of a child, misuse of a computer network or communication by other technical means to commit sexual offenses against sexual freedom perpetrated against a minor, cohabitation with a minor and incest (which involve sexual activity with a child), stalking (which may be closely related to and often precedes sexual abuse of a child), trafficking in human beings for the purpose of prostitution or other form of sexual exploitation or pornographic use are not covered by the implementation of the Law on Special Measures for the Prevention of Criminal Offences against Sexual Freedom Perpetrated against Minors, due to which adequate criminal law protection has not been provided to children who have been victims of these crimes.**

Special rules of the **Law on the Prevention of Domestic Violence** refer to criminal offences of stalking, rape, sexual intercourse with a helpless person, sexual intercourse with a child, sexual intercourse through abuse of position, illicit sexual activities, sexual harassment, arranging and facilitating sexual intercourse, mediation in prostitution, displaying, procuring and possessing pornographic material and pornographic exploitation of minors, inducing a child to witness sexual activities, neglect and abuse of a minor, domestic violence, withholding financial support, violation of family responsibilities, incest, trafficking in human beings, other criminal offenses, if the offense was a result of domestic violence<sup>53</sup>. Therefore, having in mind the rules of this law, the criminal law and other protection of children victims of sexual exploitation and sexual abuse in the family has been improved in most criminal offenses. **However, this law did not cover the criminal offense of cohabitation with a juvenile, which involves sexual activity with a child, nor the criminal offense of stalking, which is a form of violence and often precedes sexual abuse. Therefore, the offenders of these acts, even though they are family members as defined by this law, will be exempt from the application of its provisions. Finally, this law cannot be applied in cases of violence, even sexual, perpetrated by a person other than a family member (for example, a teacher, coach, doctor).**

## Chapter VI

### SUBSTANTIVE CRIMINAL LAW

#### Article 24

#### Aiding or Abetting and Attempt

- 1. Each Party shall take the necessary legislative or other measures to establish as criminal offences, when committed intentionally, aiding or abetting the commission of any of the offences established in accordance with this Convention.*
- 2. Each Party shall take the necessary legislative or other measures to establish as criminal offences, when committed intentionally, attempts to commit the offences established in accordance with this Convention.*
- 3. Each Party may reserve the right not to apply, in whole or in part, paragraph 2 to offences established in accordance with Article 20, paragraph 1.b, d, e and f, Article 21, paragraph 1.c, Article 22 and Article 23.*

According to the provisions of the **Criminal Code**, an attempt is always punished when it comes to criminal offenses punishable by imprisonment for a term of five years or more, and in other cases, when it is explicitly prescribed. The inciter and the aider and abettor are prosecuted just like the offender, but the aider and abettor may receive a lighter sentence. The co-offender is responsible for the crime committed within the scope of his or her intent or negligence, and the inciter and aider and abettor within the scope of his or her intent. If the offense remains at the level of an attempt, the inciter and the aider and abettor are punished for the attempt when the attempt is punishable<sup>54</sup>.

## Chapter VI

### SUBSTANTIVE CRIMINAL LAW

<sup>52</sup> See Article 3 the Law on Special Measures to Prevent Criminal Offences against Sexual Freedom Perpetrated against Minors

<sup>53</sup> See Article 4 of the Law on the Prevention of Domestic Violence

<sup>54</sup> See articles 30, 34, 35, 36 and 37 of the Criminal Code

## Article 25

### Jurisdiction

*1. Each Party shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:*

- a. in its territory; or*
- b. on board a ship flying the flag of that Party; or*
- c. on board an aircraft registered under the laws of that Party; or*
- d. by one of its nationals; or*
- e. by a person who has his or her habitual residence in its territory.*

*2. Each Party shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.*

The jurisdiction of the Republic of Serbia shall always exist when a person (a national or a foreigner) commits a criminal offense in the territory of Serbia, on board a domestic vessel or a domestic civil or military aircraft. Jurisdiction does not exist when a crime is committed against a domestic national while abroad, except for certain crimes, which do not include sexual crimes against children, but jurisdiction does exist when it comes to a Serbian national who commits a crime abroad<sup>55</sup>.

## Chapter VI

### SUBSTANTIVE CRIMINAL LAW

## Article 26

### Corporate Liability

*1. Each Party shall take the necessary legislative or other measures to ensure that a legal person can be held liable for an offence established in accordance with this Convention, committed for its benefit by any natural person, acting either individually or as part of an body of the legal person, who has a leading position within the legal person, based on:*

- a. power of representation of the legal person;*
- b. an authority to take decisions on behalf of the legal person;*
- c. an authority to exercise control within the legal person.*

*2. Apart from the cases already provided for in paragraph 1, each Party shall take the necessary legislative or other measures to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of an offence established in accordance with this Convention for the benefit of that legal person by a natural person acting under its authority.*

*3. Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative.*

*4. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.*

**Law on Corporate Liability for Criminal Offences**<sup>56</sup> stipulates that legal persons may be held liable for all criminal offenses prescribed by the Criminal Code and other laws which, within the scope of their activities and powers, are committed by a responsible person in order to benefit the legal entity. A legal entity is also liable if, due to lack of supervision or control by the responsible person, the commission of a criminal offence benefiting the legal person by

<sup>55</sup> See Articles 6, 7 and 8 of the Criminal Code

<sup>56</sup> Official Gazette of RS, no. 97/2008

an individual acting under the supervision and control of the responsible person, has been made possible<sup>57</sup>.

Since a legal entity is liable only in cases where the criminal offense was committed with the intent of benefiting the legal entity, it is not possible to establish the liability of the legal entity for most criminal offenses of sexual exploitation or sexual abuse of children.

## Chapter VI

### SUBSTANTIVE CRIMINAL LAW

#### Article 27

##### Sanctions and Measures

*1. Each Party shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include penalties involving deprivation of liberty which can give rise to extradition.*

*2. Each Party shall take the necessary legislative or other measures to ensure that legal persons held liable in accordance with Article 26 shall be subject to effective, proportionate and dissuasive sanctions which shall include monetary criminal or non-criminal fines and may include other measures, in particular:*

- a. exclusion from entitlement to public benefits or aid;*
- b. temporary or permanent disqualification from the practice of commercial activities;*
- c. placing under judicial supervision;*
- d. judicial winding-up order.*

In most criminal offences, it is not possible to establish the liability of the legal person, but where it is possible (for example, trafficking in human beings, mediation in prostitution), the liability of the legal person could be established, in which case the criminal assets would be seized, and the legal entity could also be imposed a fine and wound up<sup>58</sup>.

## Chapter VI

### SUBSTANTIVE CRIMINAL LAW

#### Article 27

##### Sanctions and Measures

*3. Each Party shall take the necessary legislative or other measures to:*

- a. provide for the seizure and confiscation of:*
  - goods, documents and other instrumentalities used to commit the offences established in accordance with this Convention or to facilitate their commission;*
  - proceeds derived from such offences or property the value of which corresponds to such proceeds;*

According to the provisions of **the Criminal Code**, criminal assets are seized and confiscated. The instrumentalities of the criminal offense can be seized by applying a security measure, the seizure and confiscation of objects, and the Criminal Code prescribes in the definition of criminal offenses when the objects are compulsorily seized and confiscated. In the case of criminal offenses against sexual freedom, the compulsory seizure and confiscation of objects is prescribed in the case of the criminal offense of displaying, procuring and possessing pornographic material and pornographic exploitation of a minor<sup>59</sup>.

<sup>57</sup> See Article 6 Law on Corporate Liability for Criminal Offences

<sup>58</sup> See Articles 12 and 13 of the Law on the Liability of Legal Entities for Criminal Offences

<sup>59</sup> See Articles 87 and 91 of the Criminal Code

## Chapter VI

### SUBSTANTIVE CRIMINAL LAW

#### Article 27

##### Sanctions and Measures

*4. Each Party may adopt other measures in relation to offenders, such as withdrawal of parental rights or monitoring or supervision of convicted persons.*

According to the provisions of the **Family Law**, sexual abuse of children and sexual exploitation of children are grounds for total deprivation of parental rights<sup>60</sup>.

## Chapter VI

### SUBSTANTIVE CRIMINAL LAW

#### Article 27

##### Sanctions and Measures

*5. Each Party may establish that the proceeds of crime or property confiscated in accordance with this article can be allocated to a special fund in order to finance prevention and assistance programmes for victims of any of the offences established in accordance with this Convention.*

**The Law of Criminal Asset Seizure and Confiscation**<sup>61</sup> regulates the handling of assets resulting from criminal offenses. However, this law applies only to assets resulting from the commission of the following offenses: organised crime; aggravated murder, kidnapping, displaying, procuring and possessing pornographic material and pornographic exploitation of a minor; criminal offenses against intellectual property, criminal offenses against property, criminal offenses against economy, unlawful production, possession and circulation of narcotic drugs, criminal offenses against public order and peace, criminal offenses against official duty and criminal offenses against humanity and other goods protected by international law. **However, when it comes to the criminal offense of procuring and possessing pornographic material and pornographic exploitation of a minor (the only criminal offense against sexual freedom perpetrated against a child covered by this law), the requirement for the application of this law is that the criminal proceeds realised exceed 1,500,000 dinars.**

The law does not stipulate that the funds obtained from asset seizure and confiscation will be used for prevention programmes and to assist victims of crime. The law stipulates that 30% of the proceeds from the sale of confiscated assets will be used to finance social and health needs in accordance with a decision of the Government<sup>62</sup>.

## Chapter VI

### SUBSTANTIVE CRIMINAL LAW

#### Article 28

##### Aggravating Circumstances

*Each Party shall take the necessary legislative or other measures to ensure that the following circumstances, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention:*

<sup>60</sup> See Article 81 of the Family Law

<sup>61</sup> Official Gazette of RS, nos. 32/2013, 94/2016 and 35/2019

<sup>62</sup> See Articles 2, 52a, 54, 56, 57, 58, 59, 62 and 63 of the Law on Criminal Asset Recovery

- a) the offence seriously damaged the physical or mental health of the victim;*
- b) the offence was preceded or accompanied by acts of torture or serious violence;*
- c) the offence was committed against a particularly vulnerable victim;*
- d) the offence was committed by a member of the family, a person cohabiting with the child or a person having abused his or her authority;*
- e) the offence was committed by several people acting together;*
- f) the offence was committed within the framework of a criminal organisation;*
- g) the offender has previously been convicted of offences of the same nature.*

Serious harm to the physical or mental health of the victim is an aggravating circumstance in the criminal offenses of rape, sexual intercourse with a helpless person, sexual intercourse with a child, illicit sexual activities, domestic violence, trafficking in human beings.

Acts of torture or aggravated violence are aggravating circumstances in the criminal offenses of rape, sexual intercourse with a helpless person, sexual intercourse with a child, illicit sexual activities. Particular vulnerability of the victim is an aggravating circumstance in the crime of sexual intercourse with a helpless person.

The fact that the crime was committed by a family member, a person living together with a child or a person who abused their authority is an aggravating circumstance in the criminal offenses of sexual intercourse through abuse of position, illicit sexual activities, domestic violence.

The commission of a crime by a group of persons is an aggravating circumstance in the criminal offenses of rape, sexual intercourse with a helpless person, sexual intercourse with a child, illicit sexual activities, trafficking in human beings.

The commission of a criminal offense within a criminal organisation is an aggravating circumstance in the criminal offense of trafficking in human beings.

**The Criminal Code** stipulates that the fact that the offender of an intentional offense was previously convicted of a premeditated crime, provided that five years have not elapsed since an earlier conviction or sentence served, is taken as an aggravating circumstance.

**The Criminal Code** prescribes that the court weighs the sentence of the offender, taking into account all the circumstances that increase or decrease the sentence (extenuating and aggravating circumstances), and in particular: the degree of guilt, motives for the offense, severity of the threat or violation of the protected good, circumstances under which the offense was committed, previous life of the offender, his or her personal circumstances, his or her stance after the crime, and in particular his or her attitude towards the victim of the crime, as well as other circumstances related to the offender's personality. Circumstances that are the constituent elements of the criminal offence cannot be considered as an aggravating or extenuating circumstance<sup>63</sup>.

According to the provisions of the **Criminal Code**, it is not possible to give a suspended sentence to a person convicted of the following criminal offenses: aggravated murder, rape which resulted in death, rape of a child (a person under 14 years of age), sexual intercourse with a helpless person which resulted in death, sexual intercourse with a helpless person perpetrated against a child (a person under 14 years of age), sexual intercourse with a child which resulted in death and sexual intercourse through abuse of position which resulted in death of a child (a person under 14 years of age)<sup>64</sup>.

According to the provisions of the **Law on Special Measures to Prevent Criminal Offenses against Sexual Freedom Perpetrated against Minors**, persons sentenced to imprisonment for criminal offences covered by this law (rape, sexual intercourse with a helpless person, sexual intercourse with a child, sexual intercourse through abuse of position, illicit sexual activities, arranging and facilitating sexual intercourse, mediation in prostitution, displaying, procuring and possessing pornographic material and pornographic exploitation of a minor, inducing a minor to witness sexual activity, misuse of a computer network or communication by other technical means to commit criminal offences against sexual freedom perpetrated against a minor) cannot be given a suspended sentence. According to the provisions of this law, the offenders of these crimes cannot be given a suspended sentence. Also, criminal prosecution and execution of a

<sup>63</sup> See Articles 54 and 55 of the Criminal Code

<sup>64</sup> See Article 46 of the Criminal Code

sentence are not time-barred for the offenses covered by this law<sup>65</sup>.

Aggravating circumstances for criminal offenses against sexual freedom and other criminal offenses that are or may be of a sexual nature:

### **Rape**

- Circumstances that make the offense qualified (more aggravated form):
  - the offence resulted in grievous bodily harm of the person against whom the offence was committed
  - the offence was committed by multiple persons
  - the offence was committed in a particularly cruel or particularly degrading manner
  - the offence was committed against a juvenile (a person above 14 and under 18 years of age)
  - the offence resulted in pregnancy
- Circumstances that make the criminal offense qualified (the most aggravated form):
  - the offence resulted in death of the person against whom it was committed
  - the offence was committed against a child (a person under 14)

### **Sexual intercourse with a helpless person**

- Circumstances that make the criminal offense qualified (more aggravated form):
  - the offence resulted in grievous bodily harm of the helpless person
  - the offence was committed by multiple persons
  - the offence was committed in a particularly cruel or particularly degrading manner
  - the offence was committed against a juvenile (a person above 14 and under 18 years of age)
  - the offence resulted in pregnancy
- Circumstances that make the criminal offense qualified (the most aggravated form):
  - the offence resulted in death of the person against whom it was committed
  - the offence was committed against a child (a person under 14)

### **Sexual intercourse with a child**

The term child refers to persons under 14 years of age. This criminal offense does not cover sexual intercourse with a child who has attained the age of 14 and has not attained the age of 18.

- Circumstances that make the criminal offense qualified (more aggravated form):
  - the offence results in grievous bodily harm of the child against whom it was committed
  - the offence was committed by multiple persons
  - the offence resulted in pregnancy
- Circumstances that make the criminal offense qualified (the most aggravated form):
  - the offence resulted in death of the child

### **Sexual intercourse through abuse of position**

- Circumstances that make the criminal offense qualified (more aggravated form):
  - the offence is committed against a child (a person under 14)
  - the offence resulted in pregnancy
- Circumstances that make the criminal offense qualified (the most aggravated form):

<sup>65</sup> See Article 5 the Law on Special Measures to Prevent Sexual Offenses against Sexual Freedom Perpetrated against Minors

- the offence resulted in death of a child (a person under 14)

### **Illicit sexual activities**

- Circumstances that make the criminal offense qualified (more aggravated form):
  - the offence is committed against a child (a person under 14)
  - the offence results in grievous bodily harm of the person against whom it is committed
  - the offence is committed by multiple persons
  - the offence is committed in a particularly cruel or particularly degrading manner
- Circumstances that make the criminal offense qualified (the most aggravated form):
  - the offence results in death of the person against whom it is committed

### **Sexual harassment**

- Circumstances that make the criminal offense qualified (more aggravated form):
  - the offence is committed against a minor

### **Arranging and facilitating sexual intercourse**

No qualified forms are prescribed.

### **Mediation in prostitution**

- Circumstances that make the criminal offense qualified (more aggravated form):
  - the offence is committed against a minor (a person under 18)

### **Displaying, procuring and possessing pornographic material and pornographic exploitation of a minor**

- Circumstances that make the criminal offense qualified (more aggravated form):
  - the offence is committed against a child (a person under 14)

### **Inducing a child to witness sexual activities**

- Circumstances that make the criminal offense qualified (more aggravated form):
  - the offence was perpetrated by using force or threat

### **Misuse of computer network and communication by other technical means to commit criminal offences against sexual freedom perpetrated against a minor**

- Circumstances that make the criminal offense qualified (more aggravated form):
  - the offence is committed against a child (a person under 14)

### **Cohabitation with a juvenile**

- Circumstances that make the criminal offense qualified (more aggravated form):
  - the offence is committed for gain

### **Incest**

No qualified forms are prescribed.

## **Neglect and abuse of a minor**

No qualified forms are prescribed.

## **Domestic violence**

- Circumstances that make the criminal offense qualified (more aggravated form):
  - in committing the offence, weapons, dangerous implements or other means suitable to inflict grievous bodily harm or seriously impair health are used
  - the offence resulted in grievous bodily harm or serious health impairment or was committed against a minor
- Circumstances that make the criminal offense qualified (the most aggravated form):
  - the offence resulted in death of a family member

## **Stalking**

- Circumstances that make the criminal offense qualified (more aggravated form):
  - the offence caused danger to life, health or body of the person against whom the offense was committed or a person close to him or her
- Circumstances that make the criminal offense qualified (the most aggravated form):
  - the offence resulted in death of another person or a person close to him or her

## **Trafficking in human beings**

- Circumstances that make the criminal offense qualified (more aggravated form):
  - the offence was committed against a minor,
  - the offence resulted in grievous bodily harm of a person
  - the offence resulted in grievous bodily harm of a minor
  - the offence was committed by a person who habitually engages in offences
  - the offence was committed by a group
- Circumstances that make the criminal offense qualified (the most aggravated form):
  - the offence resulted in death of one or more persons,
  - the offence was perpetrated by an organised crime group

## **Deficiencies in substantive criminal law**

### **Criminal offence - Rape**

- The prescribed substance of the criminal offence did not put in the forefront the lack of consent to the sexual act; instead, the manner, method and means of committing the sexual assault determine the legal qualification of the commission of this crime.
- The family relationship between the offender and the victim or the close emotional and other ties between them are not a qualifying circumstance
- Multiple rape is not qualified as a particularly aggravated form of this criminal offense.
- The position of all juvenile victims, regardless of their age, is not equal. The different treatment of children (persons under 18) with regard to criminal law protection is contrary to the principle of non-discrimination set by the Convention at the level of a guiding principle. Although the developmental capacities of children differ in different periods of childhood, the consequences of criminal offenses against children are equally severe and serious for children of all ages, although they may manifest very differently, depending on the age of the victim. This fact is also recognised by the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, giving the status of a child “to any person under the age of 18” (Article 3 of the Convention);
- The circumstance that the act was committed against a helpless person, which, in terms of its vulnerability, is

equated with the position of a minor, is not prescribed as an additional qualifying element;

- The case where rape was committed due to base motives, is not prescribed as a particularly grievous offence, as was done with some other crimes.

#### **Criminal offence - Sexual intercourse with a helpless person**

- The notion of sexual intercourse does not cover the penetration of another body part other than the male genital organ or the penetration of an object. In cases of the penetration of another body part or object, the court and prosecutorial practice were of the view that this activity of the offender constitutes illicit sexual activity and not sexual intercourse or an equivalent act, regardless of the fact that - except for the part of the body/object used - that act had all the constituent elements of sexual intercourse and its consequences. The existing lack of precision in the definition of the act of committing the criminal offence of rape and sexual intercourse, resulted in the fact that violent penetration committed against a minor by the use of an object or body part could not be qualified as the criminal offence of rape, or as one of the criminal offences of sexual intercourse. The children victims of such activities did not receive adequate criminal law protection, and criminal law provisions reserved for illicit sexual activities punishable by significantly less severe penalties and the legal rule that the prosecution of the criminal offence of illicit sexual activities in certain cases is conducted based on a motion, were applied against the offender. The position of all juvenile victims is not equal.

#### **Criminal offence - Sexual intercourse with a child**

- Due to the formulation of the criminal offense, it is not adequately emphasised that a child who is below the age of consent to sexual act cannot be an equal partner in such activity, nor is there or can be voluntary participation in a sexual act and freely expressed consent to a sexual act in the case of a child under the age of 14.
- Cruelty in the commission of the criminal offence and humiliation of the child victim are not prescribed as an aggravating circumstance, which, given the vulnerability of the protected subject, constitute a more aggravated form of the offence.
- There is no specific sanction for cases where the offender committed the offence using a specific relationship between the child and him or her, which includes a relationship of trust, authority and/or power. Unfortunately, this is most often the case in the crimes against sexual freedom perpetrated against minors, especially children. The amendments also represent the execution of the obligation of the Republic of Serbia, assumed by the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, to take as aggravating the circumstance that “the offense was committed by a member of the family, a person cohabiting with a child or a person having abused his or her authority” (Article 28 of the Convention).
- The position of all juvenile victims is not equal, since according to the current definition of a child in the CC, this act applies only to victims under 14 years of age.

#### **Criminal offence - Sexual intercourse through abuse of position**

- Not all persons who may have a relationship of authority, power and/or trust with a victim, foster parents and other family members, are included, in the sense of the proposed change to the definition of the term “family members”. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse directs the states also to take into consideration in their legislation as an aggravating circumstance the fact that “the offense was committed by a member of the family, a person cohabiting with the child or a person having abused his or her authority” (Article 28 of the Convention).
- The abuse of relationship of trust is not included as a manner of committing the act. Practice shows that victims of this crime, especially children and juveniles, are susceptible to manipulation and become victims precisely because of the previous relationship of trust between the victim and the abuser.
- The position of all juvenile victims is not equal.

#### **Criminal offence - Illicit sexual activities**

- The basic form of this criminal offense prescribes a fine also for illicit sexual activities performed by a teacher, guardian, adoptive parent, parent, stepparent or other person who abuses his or her position or authority with a juvenile (a child over 14 years of age) entrusted to him or her for teaching, bringing up or caring

(Article 181, paragraph 2 of the CC). The imposition of a fine for the commission of the criminal offense of illicit sexual activity is a reflection of the mild penal policy of the Republic of Serbia towards the perpetrators of this criminal offence. Of particular concern is that, according to the present provision, a fine can be imposed as the main criminal sanction against the perpetrators of this criminal offence even against children (persons under the age of 18). Although with the amendments to the Criminal Code, this sanction is excluded in relation to child victims under the age of 14, it still persists when the victim is a child between the ages of 14 and 18. In particular, this provision does not take into account the particularly aggravating circumstance that the act was performed by a person close to the child, a person who is an authority for the child, a person entrusted with the care of the child. Such a provision unjustifiably precludes adequate criminal law protection of older children, although they suffer the same consequences. In addition, such a provision is contrary to the provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which consider as a child “any person under the age of 18” (Article 3 of the Convention). A fine is not an adequate response by the state to child sexual abuse and should therefore be ruled out as a legal option.

- The situation of all juvenile victims is not equal, given that for this criminal offense, if committed against a child under the age of 14, the possibility of imposing a fine is excluded.

### **Criminal offence - Sexual harassment**

- The commission of this offence through abuse of position and authority or against a person who is with the offender in a relationship of subordination or dependence, or by promising the other person a benefit if such person submits to his or her sexual request or by threatening to retaliate if he or she refuses to submit to such a request, is not prescribed as a qualified form of the offence, which is punished by imprisonment for a term between three months and three years.
- The commission of this offence against a person who is particularly vulnerable due to age, illness, disability, addiction, pregnancy, severe physical or mental disability, is not prescribed as a qualifying form of the offence.

### **Criminal offence - Mediation in prostitution, Article 184**

- The substance of the criminal offense does not provide adequate criminal law protection in accordance with the Council of Europe Convention on Action against Trafficking in Human Beings<sup>66</sup>. Article 4 of the Convention defines that “exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation ...”, where “the consent of the victim of “trafficking in human beings” to the intended exploitation ... shall be irrelevant where any... “. The Convention stipulates that “each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offenses the conduct contained in Article 4 of this Convention, when committed intentionally”, and also that “each Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offenses under its internal law, the use of services which are the object of exploitation as referred in Article 4 paragraph a of this Convention, with the knowledge that the person is a victim of trafficking in human beings. “
- Users of sexual services are not punished. The introduction of “users” of sexual services as the offender of the illicit activity presents also the harmonisation of national legislation with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography<sup>67</sup>, which also includes under the term child prostitution “... obtaining, procuring ... a child” ... for “the use of a child in sexual activities for remuneration or any form of consideration” (Articles 2 and 3 of the Optional Protocol). Sanctioning users of sexual services, i.e. those who purchase sexual services, is known in European legislation and is the standard towards which most European countries are moving in amending their legislation.

### **Criminal offence - Displaying, procuring and possessing pornographic material and pornographic exploitation of a minor**

- The position of all juvenile victims is not equal.
- The relationship between the offender and the victim has not been given the status of an aggravating circumstance in the commission of this criminal offence, in line with the obligation of the state following the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, to establish as an aggravating circumstance the fact that a criminal offense was committed by “a member of the family, a person cohabiting with the child or a person having abused his or her authority” (Article 28 of the Convention)

<sup>66</sup> Official Gazette of RS – International treaties, no. 19/2009

<sup>67</sup> Official Gazette of RS – International treaties, no. 7/2002

- There is a possibility of imposing a fine for the use of child pornography.

#### **Criminal offense – Misuse of a computer network or communication by other technical means to commit criminal offences against sexual freedom perpetrated against a minor**

- The position of all juvenile victims is not equal.
- There is a possibility of imposing a fine for this criminal offence when committed against a child over 14 years of age.

Chapter 19 of the CC “Crimes against Marriage and Family” contains two criminal offenses that essentially present the commission of sexual violence:

#### **Criminal offence - Cohabitation with a juvenile**

- The criminal offense of cohabitation with a juvenile (a person older than 14 and under 18), although by its very substance denotes sexual activity with a child - is not included in the present Criminal Code under the chapter dealing with criminal offenses against sexual freedom. Thus, adequate criminal law protection is denied to juvenile victims, who are not recognised as victims of sexual abuse. At the same time, the application of the Law on Special Measures to Prevent Criminal Offenses against Sexual Freedom Perpetrated against Minors in these cases is not possible, because it stipulates that it applies “to the perpetrators of criminal offenses against sexual freedom perpetrated against minors”. Cohabitation with a minor has remained unrecognised as a form of sexual abuse of children, who are not recognised by existing legislation as victims of (sexual) exploitation and sexual violence.
- The prosecution for the crime of cohabitation with a juvenile will not be initiated or will be terminated if a marriage is concluded between the offender and the juvenile. This provision is contrary to the protection of the rights and interests of the child because it “legalises” sexual abuse and exploitation, rather than sanctioning it. In addition, this criminal offence is not established in order to protect the institution of marriage, but to prevent the establishment of unions (marital or extramarital) with minors and (sexual) exploitation of juvenile by adults. The protected subject is a child - a juvenile, and the purpose of general prevention is, among other things, to preserve the psychophysical health of the juvenile and his or her proper development.
- The position of all juvenile victims is not equal, since this offense, unlike in the previous criminal legislation, only sanctions cohabitation if the victim is over 14 years of age, while this offense will not exist if the victim is under that age.

#### **Criminal offence - Incest**

- The criminal offence of incest, although essentially denoting sexual activity with a child, is not included in the present Criminal Code under the chapter that covers criminal offences against sexual freedom. Thus, adequate criminal law protection is denied to juvenile victims, who are not recognised as victims of sexual abuse. At the same time, the application of the Law on Special Measures to Prevent Criminal Offenses against Sexual Freedom Perpetrated against Minors in these cases is not possible, because it stipulates that it applies “to the perpetrators of criminal offenses against sexual freedom perpetrated against minors”.
- In the current Criminal Code, incest is a criminal offense only if committed with a juvenile relative in a direct line or a sibling, but not with other lateral relatives (uncle, aunt, children of siblings, children of halfsiblings). Therefore, the incestuous relationship established with a child by these relatives may remain criminally unsanctioned, even though it constitutes child sexual abuse and despite the fact that children are sexually abused most often by family members and close relatives.

## **Chapter VII**

### **INVESTIGATION, PROSECUTION AND PROCEDURAL LAW**

#### **Article 30**

#### **Principles**

1. *Each Party shall take the necessary legislative or other measures to ensure that investigations and criminal*

*proceedings are carried out in the best interests and respecting the rights of the child.*

**The Family Law** prescribes that everyone is obliged to be guided by the best interest of the child in all activities concerning the child, and that the state is obliged to take all necessary measures to protect the child from neglect, from physical, sexual and emotional abuse and from any kind of exploitation, as well as to respect, protect and promote the rights of the child. The Family Law also prescribes that a child who is capable of forming his or her own opinion has the right to freely express such opinion, as well as the right to duly receive all information necessary for forming own opinion. Child's opinion must be given due attention in all issues concerning the child, and in all proceedings, where his or her rights are decided on, in accordance with age and maturity of the child. The court and the administrative authority establish the child's opinion in cooperation with the school psychologist or guardianship authority, family counselling service or other institution specialised in mediation in family relations, in the presence of a person chosen by the child. A child who has attained 10 years of age may freely and directly present his or her opinion in any court or administrative proceedings where his or her rights are decided upon<sup>68</sup>.

**The Criminal Procedure Code** obliges the authorities conducting these proceedings to advise other participants in the proceedings (not just the defendant) about the rights that belong to them. If, due to ignorance, a participant in the proceedings fails to perform an action or fails to exercise his or her rights, the authority conducting proceedings is obliged to caution him or her about the consequences of such failure. A child victim of a crime has the status of a participant in the proceedings (injured party)<sup>69</sup>.

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 30

##### Principles

*2. Each Party shall adopt a protection approach towards victims, ensuring that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate.*

**The Criminal Procedure Code** contains protective provisions when the victims of criminal offenses are children, and prescribes: the obligation to keep facts and data confidential in order to protect the interests of children; the possibility of excluding the public if necessary to protect the interests of the child; the rule that a minor who, in view of his or her age and mental development, is incapable of understanding the significance of the right not to have to testify, may not be questioned as a witness, except if requested by the defendant; as well as special provisions about the particularly vulnerable witness. A witness who is particularly vulnerable in view of his or her age, life experience, lifestyle, gender, health status, nature, the manner or the consequences of the criminal offence committed, or other circumstances of the case, may be granted, ex officio, upon the petition of the parties or the witness himself or herself, the status of a particularly vulnerable witness, who may be assigned an attorney. The decision to grant the status of a particularly vulnerable witness is made by the public prosecutor or the court. A particularly vulnerable witness is examined solely by the authority conducting proceedings (prosecutor, court), which will treat him with special care, attempting to avoid any harmful consequences of criminal proceedings on the personality, physical and mental state of the witness. The examination can be conducted with the assistance of a psychologist, social worker or other professional, which is decided by the authority conducting proceedings. A particularly vulnerable witness may be examined outside the courtroom, using the audio-visual equipment, when the examination is conducted without the presence of parties and other participants in the proceedings in the room where the witness is located. A particularly vulnerable witness may also be examined in his or her dwelling or other premises, or an authorised institution that is qualified to examine particularly vulnerable persons. A particularly vulnerable witness cannot be confronted with the defendant unless requested by the defendant, and the authority conducting proceedings allows it, taking into account the degree of vulnerability of the witness and the rights of defence<sup>70</sup>.

**The provisions of the Criminal Procedure Code on particularly vulnerable witnesses also apply to children. However, the provisions give the authority conducting the criminal proceedings the discretionary power to afford the status**

<sup>68</sup> See Articles 6 and 65 of the Family Law

<sup>69</sup> See Article 8 of the Criminal Procedure Code

<sup>70</sup> See Articles 94, 103, 104, 304 and 363 of the Criminal Procedure Code

of a particularly vulnerable witness to the child, based on its assessment, and to decide by itself whether or not to apply additional protection measures, such as examination with the assistance of professionals, examination outside the courtroom (dwelling, other premise, institution), using audio-visual equipment. In this way, full protection has not been ensured of every child victim of sexual criminal offenses, who all, without exception, bear the traumas of that experience. In addition, confrontation with the defendant is possible if requested by the defendant, thereby creating the possibility of further major traumatising of the child.

**The Law on Juvenile Criminal Offenders and Criminal Law Protection of Minors** also contains protective provisions when children are victims of crime, and stipulates that the prosecutor and the judge will treat the injured party with care, taking into account his or her age, personal traits, education and living circumstances, particularly endeavouring to avoid any detrimental consequences of the proceedings on his or her personality and development. This law prescribes that minors will be examined with the assistance of a psychologist, pedagogist or another professional. This law also prescribes that examination may be conducted at most twice, **and exceptionally more times if necessary, in order to achieve the purpose of criminal proceedings.** If the minor is examined more than twice, the judge is obliged to have particular regard for the protection of personality and development of the minor. The court may decide to examine the minor with the aid of audio-visual equipment, and the examination will be conducted without the presence of the parties and other participants in the proceedings in the room where the witness is located, so that parties and persons entitled to ask question may do so through the judge, psychologist, pedagogist, social worker or other professional. The law also prescribes a possibility for minors to be examined as witnesses-injured parties in their dwelling or other premises or authorised institution—organisation that is professionally qualified for examining minors. In such a case, the court may order the application of audio-visual equipment. The law also prescribes that if a minor is examined as a witness, who, due to the nature of the criminal offence, consequences or other circumstances, is particularly vulnerable or is in a particularly difficult mental state, confrontation between him or her and the defendant is prohibited. A minor who is a victim of a criminal offence must have an attorney from the first examination of the defendant and if the minor does not have one, an attorney will be appointed to him or her by the president of the court from the ranks of lawyers with special skills in the field of the rights of the child and criminal law protection of minors. If identification of the defendant is to be conducted, the court will proceed with particular care and conduct such identification in all phases of the proceedings in a manner that completely prevents the defendant from seeing the minor's face. If a child is examined as a witness who, due to the nature of the crime, the consequences or other circumstances, is particularly vulnerable, or is in a particularly difficult state of mind, it is forbidden to confront him or her and the defendant.<sup>71</sup>

The provisions of the **Law on Juvenile Criminal Offenders and Criminal Law Protection of Minors** show that judges and prosecutors have the power to decide whether to apply child victim protection measures (using video and audio recordings and examining the child outside the courtroom, limiting the number of child interviews to two) and assess the child's condition when deciding whether to allow a procedural action of confrontation. In practice, children are most often examined more than twice in the courtroom, and cross-examination is not excluded. 66% of judges examine the child victim in the courtroom, 10.6% in their office, and around 3% in the room specially adapted for the child (in and outside the court). Prosecutors act in a similar manner<sup>72</sup>. The use of audio-visual recording is extremely rare, as is the use of specialised screen rooms where they exist and are equipped with appropriate technology<sup>73</sup>.

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 30

#### Principles

*5. Each Party shall take the necessary legislative or other measures, in conformity with the fundamental principles of its internal law:*

- to ensure an effective investigation and prosecution of offences established in accordance with this Convention,*

<sup>71</sup> See Articles 152, 153, 154 and 155 Law on Juvenile Criminal Offenders and Criminal Law Protection of Minors

<sup>72</sup> "How to Get to Child-friendly Justice – Protection of Children Victims in Criminal Proceedings and State of Play in the Republic of Serbia", Child Rights Centre. 2015

<sup>73</sup> The Protector of Citizens sent an opinion to the courts in Belgrade, Kruševac, Niš and Novi Sad, after establishing that of all the courts in these cities, in which equipped and child-friendly premises had been provided for examining children, only three courts had used that possibility.

*allowing, where appropriate, for the possibility of covert operations;*

- *to enable units or investigative services to identify the victims of the offences established in accordance with Article 20, in particular by analysing child pornography material, such as pictures and audio-visual recordings transmitted or made available through the use of information and communication technologies.*

**The Criminal Procedure Code** introduced special evidentiary actions against a person for whom there are grounds for suspicion that he or she has committed one of the criminal offences for which the possibility of applying special evidentiary actions is prescribed, if evidence for criminal prosecution cannot be gathered in another manner, or their gathering would be particularly difficult. Special evidentiary actions also apply to the criminal offenses of displaying, procuring and possessing pornographic material and pornographic exploitation of a minor and trafficking in human beings, **but not to other criminal offenses against sexual freedom or other offenses that constitute or may constitute sexual abuse of children**. Special evidentiary actions include covert interception of communications, covert surveillance and audio and video recording, simulated deals, computer search of data, controlled delivery, and undercover investigators<sup>74</sup>.

According to the **Law on the Organisation and Jurisdiction of Government Bodies for Combating Cyber Crime**, a special unit under the Higher Public Prosecutor's Office in Belgrade (Special Prosecutor's Office for Cybercrime) is in charge of prosecuting certain criminal offenses, including offences against sexual freedom, which may be considered cyber-criminal offences due to the method and means of their commission<sup>75</sup>.

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 31

##### General Protection measures

*1. Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by:*

*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;*

**Informing victims, especially children, and persons close to the victims, of their rights and services at their disposal and of the follow-up given to their complaints, the charges, the general progress of the investigation or proceedings, and their role, as well as the outcome of their cases, is not regulated, except for the general principle that participants in criminal proceedings have the right, and the authorities conducting the proceedings have a duty to alert participants to their rights and the consequences of failure to act.**

**The law does not require victims to be notified of the planned or executed release of the person serving a sentence.**

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 31

##### General Protection measures

*1. Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by:*

<sup>74</sup> See Articles 161, 162, 166, 171, 174, 178, 181, 183 and 187 of the Criminal Procedure Code

<sup>75</sup> See Articles 3 and 4 of the Law on the Organisation and Jurisdiction of Government Bodies for Combating Cybercrime

*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;*

See information on Article 30, paragraph 2, of the Convention

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 31

##### General Protection measures

- 1. Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by:*
- d) providing them with appropriate support services so that their rights and interests are duly presented and taken into account;*

These types of services are not provided.

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 31

##### General Protection measures

- 1. Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and criminal proceedings, in particular by:*
- e) protecting their privacy, their identity and their image and by taking measures in accordance with internal law to prevent the public dissemination of any information that could lead to their identification;*
  - f) providing for their safety, as well as that of their families and witnesses on their behalf, from intimidation, retaliation and repeat victimisation;*
  - g) ensuring that contact between victims and offenders 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.*

See information on Article 30, paragraph 2, of the Convention

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 31

##### General Protection measures

- 2. Each Party shall ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings.*

**This type of information to be provided to the victim, especially children, and persons close to the victims, is not regulated by law.**

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 31

##### General Protection measures

*3. Each Party shall ensure that victims have access, provided free of charge where warranted, to legal aid when it is possible for them to have the status of parties to criminal proceedings.*

See information on Article 30, paragraph 2, of the Convention

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 31

##### General Protection measures

*4. Each Party shall provide for the 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.*

In addition to the right to an attorney in criminal proceedings, which is prescribed by the Law on Juvenile Criminal Offenders and Criminal Law Protection of Minors and the Criminal Procedure Code, a child whose interests are in conflict with the interests of his or her parents or other legal representatives (guardians) may be appointed a guardian ad litem, in accordance with the provisions of the **Family Law**. The guardian ad litem represents the child, makes sure that the child duly receives all the information he or she needs, is obliged to provide the child with an explanation regarding the possible consequences of the act he is engaging in and to convey to the court the opinion of the child, if the child did not express his or her opinion directly in court, unless it would clearly be contrary to the best interests of the child. A child who has attained the age of 10 and is capable of reasoning, can by himself or herself, through another person or institution, ask the guardianship authority to appoint him or her a guardian ad litem. A child who has attained the age of 10 and who is capable of reasoning can, by himself or herself, through another person or institution, ask the court to appoint him or her a temporary representative because of conflicting interests between him or her and his or her legal representative. If the court finds that the child as a party is not properly represented in a child right protection dispute or in a dispute related to child custody or deprivation of parental right, it is obliged to appoint a temporary representative, who has the same duties as guardian ad litem.<sup>76</sup>

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 31

##### General Protection Measures

*5. Each Party shall provide, by means of legislative or other measures, in accordance with the conditions provided for by its internal law, the possibility for groups, foundations, associations or governmental or non-governmental organisations, to assist and/or support the victims with their consent during criminal proceedings concerning the offences established in accordance with this Convention.*

According to the provisions of the **Law on Free Legal Aid**<sup>77</sup>, forms of legal aid are legal advice, preparation of briefs,

<sup>76</sup> See Articles 132, 265, 266 and 267 of the Family Law

<sup>77</sup> Official Gazette of RS, no. 87/2018

representation and defence. Free legal aid is provided by lawyers and legal aid services in local government units. Civic associations and civil society organisations may provide free legal aid only on the basis of the provisions of the law governing the right to asylum and non-discrimination. Free legal aid is provided by lawyers on behalf of associations. Providers of free legal aid, and associations within the goals for which they were founded, can provide general legal information and fill in forms, as forms of free legal support<sup>78</sup>.

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 32

##### Initiation of Proceedings

*Each Party shall take the necessary legislative or other measures to ensure that investigations or prosecution of offences established in accordance with this Convention shall not be dependent upon the report or accusation made by a victim, and that the proceedings may continue even if the victim has withdrawn his or her statements.*

When it comes to criminal offenses prosecuted ex officio, the victim's report is not a prerequisite for the initiation, conduct and termination of such proceedings. In the case of a criminal offense prosecuted based on a motion, the proceedings are initiated based on the victim's motion. In the case of sexual abuse and sexual exploitation of children, all offences are prosecuted ex officio except for sexual harassment for which the Criminal Code prescribes prosecution based on a motion.

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 33

##### Statute of Limitation

*Each Party shall take the necessary legislative or other measures to ensure that investigations or prosecution of offences established in accordance with this Convention shall not be dependent upon the report or accusation made by a victim, and that the proceedings may continue even if the victim has withdrawn his or her statement.*

Pursuant to the provisions of the **Law on Special Measures to Prevent Criminal Offenses against Sexual Freedom Perpetrated against Minors**, criminal prosecution and enforcement of the sentence for the criminal offenses covered by this law are not time-barred<sup>79</sup>. Since not all offenses are covered by this law, for some criminal offenses that are of sexual nature, this rule does not apply (e.g. cohabitation with a juvenile, incest and sexual harassment).

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 35

##### Interviews with the Child

1. *Each Party shall take the necessary legislative or other measures to ensure that:*

- a) interviews with the child take place without unjustified delay after the facts have been reported to the competent authorities;*
- b) interviews with the child take place, where necessary, in premises designed or adapted for this purpose;*
- c) interviews with the child are carried out by professionals trained for this purpose;*

<sup>78</sup> See Articles 6 and 9 of the Law on Free Legal Aid

<sup>79</sup> See Article 5 of the Law on Special Measures to Prevent Criminal Offenses against Sexual Freedom Perpetrated against Minors

- d) the same persons, if possible and where appropriate, conduct all interviews with the child;*
- e) the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of criminal proceedings;*
- f) the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.*

*2. Each Party shall take the necessary legislative or other measures to ensure that all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and that these videotaped interviews may be accepted as evidence during the court proceedings, according to the rules provided by its internal law.*

*3. When the age of the victim is uncertain and there are reasons to believe that the victim is a child, the measures established in paragraphs 1 and 2 shall be applied pending verification of his or her age.*

**The legal provisions of the existing laws did not provide for compulsory application of these protection measures. See information on Article 30, paragraph 2, of the Convention.**

## Chapter VII

### INVESTIGATION, PROSECUTION AND PROCEDURAL LAW

#### Article 36

##### Criminal Court Proceedings

*1. Each Party shall take the necessary legislative or other measures, with due respect for the rules governing the autonomy of legal professions, to ensure that training on children's rights and sexual exploitation and sexual abuse of children is available for the benefit of all persons involved in the proceedings, in particular judges, prosecutors and lawyers.*

*2. Each Party shall take the necessary legislative or other measures to ensure, according to the rules provided by its internal law, that:*

- a) the judge may order the hearing to take place without the presence of the public;*
- b) the victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies.*

See information on Article 30, paragraph 2, of the Convention.

## Chapter VIII

### RECORDING AND STORING OF DATA

#### Article 37

##### Recording and Storing of National Data on Convicted Sexual Offenders

*1. 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 Convention.*

See information on Article 5, paragraph 3, of the Convention.

## EXTRACTS FROM REGULATIONS

### Criminal Code

Official Gazette of RS, nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014, 94/2016 and 35/2019

#### Article 6

Criminal legislation of the Republic of Serbia shall apply to anyone committing a criminal offence in its territory.

Criminal legislation of the Republic of Serbia shall apply to anyone committing a criminal offence on board a domestic vessel, regardless of where the vessel is at the time the offence is committed.

Criminal legislation of the Republic of Serbia shall apply to anyone committing a criminal offence on board a domestic aircraft while in flight or domestic military aircraft, regardless of where the aircraft is at the time the criminal offence is committed.

If criminal proceedings have been initiated or concluded in a foreign country in respect of cases referred to in paragraphs 1 through 3 hereof, criminal prosecution in Serbia shall be undertaken only with the approval of the Republic Public Prosecutor.

Criminal prosecution of foreign citizens in cases referred to in paragraphs 1 through 3 hereof may be referred to a foreign state, under the condition of reciprocity.

#### Article 7

Criminal legislation of the Republic of Serbia shall apply to anyone committing abroad a criminal offence referred to in Articles 305 through 316, 318 through 321, a criminal offence referred to in Articles 391 through 393a hereof if perpetrated against the Republic of Serbia or its citizen, or a criminal offence referred to in Article 241 hereof if counterfeiting relates to domestic currency.

#### Article 8

Criminal legislation of Serbia shall also apply to a citizen of Serbia who commits a criminal offence abroad other than those referred to in Article 7 hereof, if found in the territory of Serbia or if extradited to Serbia.

Under the conditions referred to in paragraph 1 hereof, criminal legislation of Serbia shall also apply to an offender who became a citizen of Serbia after having committed the criminal offence.

#### Article 30

Whoever intentionally commences a criminal offence, but does not complete it, shall be punished for the attempted criminal offence if such offence is punishable by law by imprisonment for a term of five years or more, and for an attempt of other criminal offence only when the law explicitly provides for the sentence of an attempt.

The offender shall be punished for an attempt by a sentence prescribed for the criminal offence or by a lighter sentence.

#### Article 34

Whoever intentionally incites another to commit a criminal offence shall be punished as prescribed by law for such offence.

Whoever intentionally incites another to commit a criminal offence the attempt of which is punishable by law, and such offence has not been attempted at all, shall be punished as for the attempted criminal offence.

## Article 35

Anyone intentionally aiding and abetting another in committing a criminal offence shall be punished as prescribed by law for such criminal offence, or by a lighter sentence.

The following, in particular, shall be considered as aiding and abetting in the commission of a criminal offence: giving instructions or advice on how to commit a criminal offence; supply of means for committing a criminal offence to the offender; creating conditions or removal of obstacles for committing a criminal offence; as well as prior promise to conceal the commission of a criminal offence, offender, means used in committing a criminal offence, traces of a criminal offence or items gained through the commission of a criminal offence.

## Article 36

A co-offender shall be culpable of a criminal offence within the limits of his or her intent or negligence, and the inciter and aider and abettor within the limits of their intent.

Grounds which preclude the culpability of the offender (Articles 23, 28 and 29 hereof) shall not preclude a criminal offence of co-offenders, inciters or aiders and abettors if they are culpable.

Personal relations, characteristics and circumstances due to which the law allows remission of a penalty, or that affect sentencing, may be taken in consideration only for such offender, co-offender, inciter or aider and abettor where such relations, characteristics and circumstances exist.

Personal relations, characteristics and circumstances representing an essential constituent element of a criminal offence need not exist with an inciter or aider and abettor. An inciter or aider and abettor having no such personal characteristic may be given a lighter sentence.

## Article 37

If a criminal offence remains an attempt, the inciter and aider and abettor shall be punished for the attempt.

If an offender commits a lesser criminal offence than the one to which inciting or aiding and abetting refer, and which would have been comprised in such offence, the inciter and aider and abettor shall be punished for the committed criminal offence.

Provision of paragraph 2 hereof shall not apply if the inciter would receive a more severe penalty by application of Article 34, paragraph 2 hereof.

## Article 46

The court may not give a suspended sentence to a person convicted of the following criminal offences: aggravated murder (Article 114, paragraph 1, item 9), rape (Article 178, paragraph 4), sexual intercourse with a helpless person (Article 179, paragraph 3), sexual intercourse with a child (Article 180, paragraph 3) and sexual intercourse through abuse of position (Article 181, paragraph 5).

## Article 54

The court shall admeasure a sentence to a criminal offender within the limits set forth by law for such criminal offence, with regard to the purpose of punishment and taking into account all circumstances that could have bearing on severity of the sentence (extenuating and aggravating circumstances), and particularly the following: degree of culpability, motives for committing the offence, degree of endangering or damaging protected goods, circumstances under which the offence was committed, past life of the offender, his personal situation, his comportment after the commission of the criminal offence and particularly his attitude towards the victim of the criminal offence, and other circumstances related to the personality of the offender.

A circumstance which is a constituent element of a criminal offence may not be taken into consideration either as aggravating or extenuating, unless it exceeds the degree required for establishing the existence of the criminal offence or particular form of the criminal offence or if there are two or more of such circumstances, and only one is sufficient

to establish the existence of an aggravated or lighter form of criminal offence.

## Article 55

If the offender of an offense perpetrated with intent has previously been convicted of a premeditated criminal offence, the court shall take that circumstance as aggravating if five years have not elapsed since the previous conviction or sentence served.

In the case referred to in paragraph 1 hereof, the court may not impose a sentence below the limit prescribed by law or a lighter type of sentence, unless the law provides that a lighter sentence may be imposed or if the law provides that the offender's sentence may be remitted, but is not remitted by the court.

## Article 71

The court may order protection supervision of an offender given a suspended sentence during probation.

Protection supervision shall include the legally prescribed measures of assistance, care, supervision and protection.

## Article 73

Protection supervision may comprise one or more of the following obligations:

- 1) reporting to the authority in charge of protection supervision according to a schedule set by such authority;
- 2) training of the offender for a particular profession;
- 3) accepting employment consistent with the offender's abilities;
- 4) fulfilment of the obligation to support the family, care for and raise children and other family duties;
- 5) refraining from visiting particular places, establishments or events if that may present an opportunity or incentive to reoffend;
- 6) timely notification of the change of permanent residence, address or place of work;
- 7) refraining from drug or alcohol abuse;
- 8) receiving treatment in an appropriate health care institution;
- 9) visiting particular professional and other counselling centres or institutions and adhering to their instructions;
- 10) eliminating or mitigating the damage caused by the offence, particularly reconciliation with the victim of the offence.

## Article 79

The following security measures may be imposed against the offender:

- 1) compulsory psychiatric treatment and confinement in a health care institution;
- 2) compulsory out-patient psychiatric treatment;
- 3) compulsory treatment of drug addicts;
- 4) compulsory treatment of alcoholics;
- 5) prohibition of engaging in a profession, activity and duty;
- 6) prohibition of driving a motor vehicle;
- 7) confiscation of objects;
- 8) expulsion of a foreigner from the country;
- 9) publishing of the judgement;
- 10) restraining order prohibiting approaching and communicating with the injured party,
- 11) prohibition from attending certain sporting events.

## Article 87

The security measure of confiscation of objects may be imposed with regard to an object which was intended for or used in the commission of a criminal offence or which resulted therefrom, when there is a danger that a certain object may be reused to commit a criminal offence or when the confiscation of the object is required for the purpose of ensuring public safety or for moral reasons.

Imposition of the above security measure shall not prejudice the right of third parties to claim compensation of damages arising from the confiscation of object from the offender.

The law may stipulate a compulsory confiscation of objects and may stipulate their compulsory destruction. The law may also stipulate the requirements for confiscation of particular objects in specific cases.

## Article 91

No one may retain proceeds of crime.

## Article 112 of the CC:

A child is a person who has not attained fourteen years of age.

A juvenile is a person who has attained fourteen years of age but who has not attained eighteen years of age.

A minor is a person who has not attained eighteen years of age.

## Stalking

### Article 138a

Whoever persistently and over a period of time:

- 1) follows another person unlawfully or engages in other unsolicited activities for the purpose of physically approaching such person;
- 2) attempts to establish unsolicited contact with another person, directly or through a third party or by using means of communication;
- 3) misuses personal data of another person or a person close to him or her for the purpose of ordering [offering] goods or services;
- 4) threatens to assault the life, body or freedom of another person or a person close to him or her;
- 5) takes other similar actions in a manner that could significantly endanger the personal life of the person against whom the actions are taken, shall be punished by a fine or imprisonment for a term of up to three years.

If the offence referred to in paragraph 1 hereof endangered life, health or body of the person against whom the action was taken or a person close to him or her, the offender shall be punished by imprisonment for a term of three months to five years.

If the offence referred to in paragraph 1 hereof caused death of another person or a person close to him or her, the offender shall be punished by imprisonment for a term from one to ten years.

## Rape

### Article 178

Whoever forces another to sexual intercourse or an equivalent act by use of force or threat of direct attack against the life or body of such or other person, shall be punished by imprisonment for a term of five to twelve years.

If the offence referred to in paragraph 1 hereof is committed under threat of disclosure of information against such person or a person close to him or her that would damage such person's reputation or honour, or by threat of other grave evil, the offender shall be punished by imprisonment for a term of two to ten years.

If the offence referred to in paragraphs 1 and 2 hereof resulted in grievous bodily harm of the person against whom the offence was committed, or if the offence was committed by multiple persons or in a particularly cruel or particularly degrading manner or against a juvenile or the act resulted in pregnancy, the offender shall be punished by imprisonment for a term of five to fifteen years.

If the offence referred to in paragraphs 1 and 2 hereof resulted in death of the person against whom it was committed or if it was committed against a child, the offender shall be punished by imprisonment for a term of at least ten years or life imprisonment.

## **Sexual Intercourse with a Helpless Person**

### **Article 179**

Whoever has sexual intercourse with another or commits an equivalent act by taking advantage of such person's mental illness, mental disability or other mental disorder, infirmity or some other state of such person due to which the person is incapable of resistance, shall be punished by imprisonment for a term of five to twelve years.

If such helpless person suffers grievous bodily harm due to the offence referred to in paragraph 1 hereof, or such offence was committed by multiple persons or in a particularly cruel or particularly degrading manner, or against a juvenile or if the offence resulted in pregnancy, the offender shall be punished by imprisonment for a term of five to fifteen years.

If the offence referred to in paragraphs 1 and 2 hereof resulted in death of the person against whom it was committed or if it was committed against a child, the offender shall be punished by imprisonment for a term of at least ten years or life imprisonment.

## **Sexual Intercourse with a Child**

### **Article 180**

Whoever has sexual intercourse or commits an equivalent act against a child, shall be punished by imprisonment for a term of five to twelve years.

If the offence referred to in paragraph 1 hereof results in grievous bodily harm of the child against whom the act was committed or if the act is committed by multiple persons or the offence resulted in pregnancy, the offender shall be punished by imprisonment for a term of five to fifteen years.

If the offence referred to in paragraphs 1 and 2 hereof resulted in death of the child, the offender shall be punished by imprisonment for a term of at least ten years or life imprisonment.

An offender shall not be punished for the offence referred to in paragraph 1 hereof if there is no considerable difference between the offender and the child in respect of their mental and physical maturity.

## **Sexual Intercourse through Abuse of Position**

### **Article 181**

Whoever by abuse of position induces to sexual intercourse or an equivalent act a person who is in a subordinate or dependant position, shall be punished by imprisonment for a term of three months to three years.

A teacher, guardian, adoptive parent, stepparent or other person who through abuse of his position or authority has sexual intercourse or commits an equivalent act with a juvenile entrusted to him or her for teaching, upbringing or care, shall be punished by imprisonment for a term of one to ten years.

If the offence referred to in paragraph 2 hereof is committed against a child, the offender shall be punished by imprisonment for a term of five to twelve years.

If the offence referred to in paragraphs 1 through 3 hereof resulted in pregnancy, the offender shall be punished for the offence referred to in paragraph 1 by imprisonment for a term of six months to five years, and for the offence referred to in paragraph 2 by imprisonment for a term of two to twelve years, and for the offence referred to in paragraph 3 by imprisonment for a term of three to fifteen years.

If the offence referred to in paragraph 3 hereof resulted in death of the child, the offender shall be punished by imprisonment for a term of at least ten years or life imprisonment.

## **Illicit Sexual Activities**

### **Article 182**

Whoever under conditions referred to in Article 178, paragraphs 1 and 2, Article 179, paragraph 1, and Article 181, paragraphs 1 and 2 hereof engages in some other sexual activity, shall be punished by a fine or imprisonment for a term of up to three years.

Whoever engages in any other sexual activity under the conditions referred to in Article 180, paragraph 1 and Article 181, paragraph 3 hereof shall be punished by imprisonment for a term of six months to five years.

If the offence referred to in paragraphs 1 and 2 hereof results in grievous bodily harm of the person against whom the activity is performed, or if the activity is performed by multiple persons or in a particularly cruel or particularly degrading manner, the offender shall be punished by imprisonment for a term of two to ten years.

If the offence referred to in paragraphs 1 and 2 hereof resulted in death of the person against whom the activity is performed, the offender shall be punished by imprisonment for a term of at least five years.

## **Sexual Harassment**

### **Article 182a**

Whoever sexually harasses another person shall be fined or punished by imprisonment for a term of up to six months. If the offense referred to in paragraph 1 hereof was committed against a minor, the offender shall be punished by imprisonment for a term of three months to three years.

Sexual harassment is any verbal, non-verbal or physical conduct that aims to violate or violates the dignity of a person in the sphere of sexual life and which causes fear or creates a hostile, degrading or offensive environment. The prosecution for the offense referred to in paragraph 1 hereof shall be undertaken based on a motion.

## **Arranging and Facilitating Sexual Intercourse**

### **Article 183**

Whoever arranges sexual intercourse or an equivalent act or other sexual activity with a minor, shall be punished by imprisonment for a term of one to eight years and a fine.

Whoever facilitates sexual intercourse or an equivalent act or other sexual activity with a minor, shall be punished by imprisonment for a term of six months to five years and a fine.

## **Mediation in Prostitution**

## **Article 184**

Whoever causes or induces another person to prostitution or participates in handing over a person to another for the purpose of prostitution, or who by means of media or otherwise promotes or advertises prostitution, shall be punished by imprisonment for a term of six months to five years and a fine.

If the offence referred to in paragraph 1 hereof was committed against a minor, the offender shall be punished by imprisonment for a term of one to ten years and a fine.

## **Displaying, Procuring and Possessing Pornographic Material and Pornographic Exploitation of a Minor**

### **Article 185**

Whoever sells, displays or publicly exhibits or otherwise makes available texts, pictures, audio-visual or other items of pornographic content to a juvenile or shows him or her a pornographic performance, shall be punished by a fine or imprisonment for a term of up to six months.

Whoever exploits a juvenile to produce pictures, audio-visual or other items of pornographic content or for a pornographic performance, shall be punished by imprisonment for a term of six months to five years.

If the offence referred to in paragraphs 1 and 2 hereof was perpetrated against a child, the offender shall be punished by imprisonment for a term of six months to three years for the offence referred to in paragraph 1 and by imprisonment for a term of one year to eight years for the offence referred to in paragraph 2.

Whoever obtains for himself or another, possesses, sells, displays, publicly exhibits or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting from exploitation of a minor, shall be punished by imprisonment for a term of three months to three years.

Whoever, by using a means of information technology, knowingly accesses pictures, audio-visual or other items of pornographic nature resulting from exploitation of a minor, shall be punished by a fine or imprisonment for a term of up to six months.

Items of pornographic content resulting from the exploitation of a minor (child pornography) are understood to mean any material that visually depicts a minor engaged in actual or simulated sexually explicit behaviour, as well as any depiction of sexual organs of a child for sexual purposes.

Items referred to in paragraphs 1 through 4 hereof shall be confiscated.

## **Inducing a Child to Witness Sexual Activities**

### **Article 185a**

Whoever induces a child to witness a rape, sexual intercourse, or an equivalent act, or other sexual activity shall be punished by imprisonment for a term of one to eight years.

If the offence referred to in paragraph 1 hereof was perpetrated using force or threat, the offender shall be punished by imprisonment for a term of two to ten years.

## **Misuse of Computer Networks and Communication by Other Technical Means to Commit Criminal Offences against Sexual Freedom Perpetrated against a Minor**

### **Article 185b**

Whoever with intent to commit an offence referred to in Article 178, paragraph 4, Article 179, paragraph 3, Article 180, paragraphs 1 and 2, Article 181, paragraphs 2 and 3, Article 182, paragraph 1, Article 183, paragraph 2, Article 184, paragraph 3, Article 185, paragraph 2, and Article 185a hereof and using a computer network or communication by other technical means, arranges to meet with a juvenile and arrives at the prearranged meeting place shall be punished by imprisonment for a term of six months to five years and a fine.

Whoever perpetrates the offence referred to in paragraph 1 hereof against a child shall be punished by imprisonment for a term of one to eight years.

## **Cohabitation with a Juvenile**

### **Article 190**

An adult cohabiting with a juvenile, shall be punished by imprisonment for a term of up to three years. The penalty referred to in paragraph 1 hereof shall be imposed also on a parent, adoptive parent or guardian who enables or induces a juvenile to cohabit with another person.

If the offence referred to in paragraph 2 hereof is committed for gain, the offender shall be punished by imprisonment for a term of six months to five years.

If a marriage is concluded, prosecution shall not be initiated, and if initiated, it shall be terminated.

## **Neglect and Abuse of a Minor**

### **Article 193**

A parent, adoptive parent, guardian or another person who by gross dereliction of their duty to provide for and bring up a minor, neglects a minor they are obliged to take care of, shall be punished by imprisonment for a term of up to three years.

A parent, adoptive parent, guardian or other person who abuses a minor or forces him or her engage in excessive labour or labour incompatible with his or her age, or in begging, or for gain induces him or her to engage in other activities detrimental to his or her development, shall be punished by imprisonment for a term of three months to five years.

## **Domestic Violence**

### **Article 194**

Whoever by use of violence, threat of attack against life or body, insolent or ruthless behaviour endangers the peace of mind, physical integrity or mental state of a member of his or her family, shall be punished by imprisonment for a term of three months to three years.

If in committing the offence referred to in paragraph 1 hereof, weapons, dangerous implements or other means suitable to inflict grievous injury to body or seriously impair health are used, the offender shall be punished by imprisonment for a term of six months to five years.

If the offence referred to in paragraphs 1 and 2 hereof results in grievous bodily harm or serious health impairment or if committed against a minor, the offender shall be punished by imprisonment for a term of two to ten years.

If the offence referred to in paragraphs 1 and 2 hereof results in death of a family member, the offender shall be punished by imprisonment for a term of five to fifteen years, and if such a family member is a minor, the offender shall be punished by imprisonment for a term of at least ten years.

Whoever violates protection measures against domestic violence imposed on them by the court in accordance with law governing family relations, shall be punished by imprisonment for a term of three months to three years and a fine.

## **Incest**

### **Article 197**

An adult who engages in sexual intercourse or an equivalent act with an underage lineal relative by blood, or an underage sibling, shall be punished by imprisonment for a term of six months to five years.

### **Article 332**

Whoever has knowledge that another person has committed a criminal offence punishable under law by life imprisonment or only knows that such an offence has been committed and fails to report it before the offence or the offender are detected, shall be punished by imprisonment for a term of up to three years.

An officer or a responsible person who knowingly fails to report a criminal offence of which he or she became aware in the performance of his or her duties, provided that under the law the offence in question is punishable by imprisonment for a term of five years or more, shall be punished by imprisonment for a term of six months to five years.

An officer or responsible person who knowingly fails to report a criminal offence of his or her subordinate who committed the offence while discharging his or her official, military or work duty, if such an offence is punishable by life imprisonment, shall be punished by imprisonment for a term of one to eight years.

A spouse, common-law spouse, lineal blood relative, sibling, adoptive parent or adopted son or daughter of the offender as well as a spouse of any of the former or person cohabiting with any of the former, as well as the offender's defence attorney, doctor or confessor shall not be punished for failing to report the criminal offence or the offender referred to in paragraphs 1 and 2 hereof.

## **Trafficking in Human Beings**

### **Article 388**

Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, hands over, sells, buys, acts as intermediary in sale, hides or holds another person for the purpose of exploitation of such person's labour, forced labour, commission of criminal offences, prostitution or other form of sexual exploitation, begging, pornographic abuse, slavery or servitude, removal of organs or body parts or service in armed conflicts, shall be punished by imprisonment for a term of three to twelve years.

When the offence referred to in paragraph 1 hereof is committed against a minor, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration.

If the offence referred to in paragraph 1 hereof is committed against a minor, the offender shall be punished by imprisonment for a term of at least five years.

If the offence referred to in paragraphs 1 and 2 hereof resulted in grievous bodily harm, the offender shall be punished by imprisonment for a term of five to fifteen years, and in case of grievous bodily harm to a minor due to the offence referred to in paragraph 3 hereof, the offender shall be punished by imprisonment for a term of at least five years.

If the offence referred to in paragraphs 1 and 3 hereof resulted in death of one or more persons, the offender shall be punished by imprisonment for a term of at least ten years.

Whoever habitually engages in the offences referred to in paragraphs 1 through 3 hereof or if the offence is committed by a group, shall be punished by imprisonment for a term of at least five years.

If the offence referred to in paragraphs 1 through 3 hereof was perpetrated by an organised crime group, the offender shall be punished by imprisonment for a term of at least ten years.

Whoever knows or should have been known that a person is a victim of trafficking in human beings and exploits his or her position or allows another to abuse his or her position for the purpose of exploitation referred to in paragraph 1 hereof shall be punished by imprisonment for a term of six months to five years.

If the offence referred to in paragraph 8 hereof was committed against a person who is known or should have been known to be a minor by the offender, the offender shall be punished by imprisonment for a term of one year to eight years.

A person's consent to be exploited or held in slavery or servitude referred to in paragraph 1 hereof shall not prejudice the existence of the criminal offence referred to in paragraphs 1, 2, and 6 hereof.

## **Law on Special Measures for Preventing Criminal Offences against Sexual Freedom Perpetrated against Minors**

Official Gazette of RS, no. 32/2013

### **Article 3**

This law applies to offenders who perpetrated the following criminal offences against minors:

- 1) rape (Article 178, paragraph 3 and 4 of the Criminal Code),
- 2) sexual intercourse with a helpless person (Article 179, paragraphs 2 and 3 of the Criminal Code),
- 3) sexual intercourse with a child (Article 180 of the Criminal Code),
- 4) sexual intercourse through abuse of position (Article 181 of the Criminal Code),
- 5) illicit sexual activities (Article 182 of the Criminal Code),
- 6) arranging and facilitating sexual intercourse (Article 183 of the Criminal Code),
- 7) mediation in prostitution (Article 184, paragraph 2 of the Criminal Code),
- 8) displaying, procuring and possessing pornographic materials and pornographic exploitation of a minors (Article 185 of the Criminal Code),
- 9) inducing a minor to witness sexual activities (Article 185a of the Criminal Code), and
- 10) misuse of computer network or communication by other technical means with an intent to commit criminal offenses against sexual freedom perpetrated against a minor (Article 185b of the Criminal Code).

This law does not apply to juvenile offenders referred to in paragraph 1 hereof.

### **Article 5**

The court may not lessen the sentence of the perpetrator of the criminal offense referred to in Article 3 hereof by applying Article 57, paragraph 1 of the Criminal Code.

A person sentenced to imprisonment for a criminal offense referred to in Article 3 hereof may not be given a suspended sentence.

Criminal prosecution and execution of a sentence shall not be time-barred for the criminal offenses referred to in Article 3 hereof that were committed against minors.

### **Article 6**

A conviction for the criminal offense referred to in Article 3 hereof shall have the following legal consequences:

- 1) termination of public office;
- 2) termination of employment or termination of engaging in the occupation or profession related to working with minors;

- 3) prohibition of holding a public office; and
- 4) prohibition of employment, or engaging in the occupation or profession related to working with minors.

Legal consequences of the conviction referred to in paragraph 1 hereof shall occur on the day the judgment becomes final.

Legal consequences of the conviction referred to in paragraph 1, items 3) and 4) hereof shall last for 20 years. Time spent serving a prison sentence shall not be counted towards the duration of the legal consequence of the conviction.

The final judgment referred to in paragraph 2 hereof shall also be delivered to the employer of the convicted person.

## Article 7

The following special measures shall be implemented against the perpetrator of the criminal offense referred to in Article 3 hereof, after serving a prison sentence:

- 1) compulsory reporting to the competent police authority and the Penal Administration;
- 2) prohibition of visiting places where minors gather (kindergartens, schools, etc.);
- 3) compulsory visit to professional counselling centres and institutions;
- 4) compulsory notification of change of permanent and temporary residence or workplace;
- 5) compulsory notification of foreign travel.

The measures referred to in paragraph 1 hereof shall be implemented for a maximum of 20 years after the prison sentence was served.

After the expiry of every four years from the start of implementation of the special measures referred to in paragraph 1 hereof, the court which rendered the first instance judgment shall decide ex officio on the need for their further implementation.

A petition for review of the need for further implementation of the special measures referred to in paragraph 1 hereof may also be submitted by the person to whom these measures relate.

The petition referred to in paragraph 4 hereof may be submitted to the court which rendered the first instance judgment after the expiry of every two years from the commencement of the implementation of special measures.

In the procedure of deciding on the need for further implementation of the special measures referred to in paragraph 1 hereof, the court shall obtain reports from the bodies and organisations in charge of the implementation of those measures.

## Article 10

The obligation to visit professional counselling centres and institutions shall be understood to mean the duty of the perpetrator of the criminal offense referred to in Article 3 hereof to visit professional counselling centres and institutions according to the programme determined by the organisational unit of the Penal Administration in charge of treatment and alternative sanctions.

## Article 13

Special records shall be kept of the persons convicted of the criminal offense referred to in Article 3 hereof.

The special records referred to in paragraph 1 hereof shall include:

- 1) name and surname of the convicted person;
- 2) personal identification number of the convicted citizen;
- 3) address of the convicted person's permanent residence;
- 4) data on the employment of the convicted person;
- 5) data of importance for physical identification of the convict and his or her pictures;
- 6) DNA profile of the convicted person;

- 7) data about the criminal offense and the sentence to which he or she was sentenced;
- 8) data on the legal consequences of the conviction;
- 9) data on the implementation of special measures prescribed hereby.

## Article 14

The special records referred to in Article 13 hereof shall be maintained by the Penal Administration.

All government and other bodies, as well as legal entities or sole proprietorships shall submit the data on which special records are kept hereunder within three days from the day of obtaining such data to the authorised person of the Penal Administration who keeps special records.

Data from the special records shall be kept permanently and may not be deleted.

The minister in charge of justice affairs shall regulate in more detail the manner of keeping the special records.

## Article 15

Data from the special records may be provided to the court, the public prosecutor and the police in connection with the criminal proceedings conducted against the person on whom the special records are kept, or the competent organisational unit of the police, as well as the organisational unit of the Penal Administration in charge of treatment and alternative sanctions, when necessary for them to carry out tasks within their jurisdiction.

Data from the special records may, upon reasoned request, also be provided to a government body, enterprise, other organisation or sole proprietorship, if the legal consequences of the conviction persist and if there is legitimate interest based on the law.

Government and other bodies, as well as legal entities or sole proprietorships who work with minors, shall request information on whether a person who is to establish employment with them or engage in activities with minors, has been entered in the special records.

Data from the special records may also be provided to foreign government bodies, in accordance with an international treaty.

Unless otherwise provided herein, the provisions of the laws governing the protection of personal data and confidentiality of data shall apply *mutatis mutandis* to information contained in the special records.

## Law on Juvenile Criminal Offenders and Criminal Law Protection of Minors

Official Gazette of RS, no. 85/2005

## Article 3

A juvenile is a person who at the time of commission of the criminal offence has attained fourteen years of age and has not attained eighteen years of age.

A younger juvenile is a person who at the time of commission of the criminal offence has attained fourteen and has not attained sixteen years of age.

An older juvenile is a person who at the time of commission of the criminal offence has attained sixteen and has not attained eighteen years of age.

## Article 150

A panel, presided by a judge with special skills in the field of the rights of the child, and criminal law protection of minors, shall try adult offenders for the following criminal offences established by the Criminal Code, if committed against minors: aggravated murder; inducement to suicide and assistance in suicide; grievous bodily harm; abduction; rape; sexual intercourse with a helpless person; sexual intercourse with a child; sexual intercourse through abuse of position; illicit sexual activities; arranging and facilitating sexual intercourse; mediation in prostitution; display of pornographic

material and pornographic exploitation of children; cohabitation with a juvenile; removal of a minor; altering family status; neglect and abuse of a minor; domestic violence; withholding financial support; incest; robbery; aggravated robbery; extortion; facilitation of the use of narcotics; war crime against civilians; slave trade; child trafficking for adoption; slavery and transport in slavery.

The public prosecutor with special skills in the field of the rights of the child and in criminal law protection of minors, shall initiate proceeding against adult perpetrators of other criminal offences established by the Criminal Code, in compliance with the provisions of this section of the law, if in his or her opinion it is necessary to do so for the purpose of protecting personality of minors as injured parties in criminal proceedings.

## Article 151

Criminal proceedings against the defendants accused of criminal offences referred to in Article 150 hereof shall be conducted in accordance with the provisions of the Criminal Procedure Code.

Investigation shall be conducted by an investigating judge with special skills in the field of the rights of the child and criminal law protection of minors.

Specialised members of the police with special skills in the field of the rights of the child and criminal law protection of minors shall participate in the investigation of criminal offences against minors, when certain activities are delegated to these authorities.

## Article 152

When conducting proceedings for criminal offences committed against minors, the public prosecutor, investigating judge and judges of the panel shall treat the injured party with care, having regard to his or her age, personality characteristics, education and living circumstances, particularly endeavouring to avoid any detrimental consequences of the proceedings on his or her personality and development. Minors shall be examined with the assistance of a psychologist, pedagogist or other professional.

If a minor who is an injured party is questioned as witness of the criminal offence referred to in Article 150 hereof, the examination may be conducted not more than twice, and exceptionally more times if necessary to achieve the purpose of criminal proceedings. If a minor is questioned more than twice, the judge shall particularly have regard for the protection of personality and development of the minor.

If, due to the nature of the criminal offence and the minor's personal characteristics the judge deems it necessary, he or she shall order the examination of the minor with the aid of audio-visual equipment, and the examination shall be conducted without the presence of the parties and other participants in the proceedings in the room where the witness is located, so that parties and persons entitled to ask question may do so through the judge, psychologist, pedagogist, social worker or other professional.

Minors may be examined as witnesses-injured parties in their dwellings or other premises or authorised institution – organisation that is professionally qualified for examining minors. In examining the witness-injured party, the authorities referred to in paragraph 1 hereof may order application of the measures referred to in paragraph 3 hereof.

When a minor was examined in cases referred to in paragraphs 2, 3 and 4 hereof, the record of his or her testimony shall always be read at the main hearing or a recording of the examination heard.

## Article 153

If a minor is questioned as a witness, who due to the nature of the criminal offence, consequences or other circumstances, is particularly vulnerable or is in a particularly difficult mental state, confrontation between him or her and the defendant is prohibited.

## Article 154

A minor who is an injured party must have an attorney from the first examination of the defendant.

If the minor does not have an attorney, he or she shall be appointed one by the President of the Court from the ranks

of lawyers with special skills in the field of the rights of the child and criminal law protection of minors. The costs of representation shall be borne by the court budget.

## Article 155

If identification of the defendant is done by the minor who is an injured party, the court shall proceed with particular care and shall conduct such identification in all phases of the proceedings in a manner that completely prevents the defendant from seeing the minor.

## Article 165

Acquisition of special skills and professional development of persons engaged in the field of the rights of the child, juvenile delinquency and criminal law protection of minors shall be under the purview of the Judicial Training Centre in cooperation with the line ministries of the RS Government, scientific institutions, professional and expert associations and nongovernmental organisations. The Centre shall organise regular professional seminars, testing and other forms of supplementary professional development and continuous training of judges for minors, juvenile public prosecutors, judges and public prosecutors acting in criminal cases for criminal offences referred to in Article 150 hereof, police officers, professionals of social care bodies, custodial and penal institutions, lawyers and other professionals. The Judicial Training Centre shall issue appropriate certificates of testing and trainings conducted.

## Law on the Prevention of Domestic Violence

Official Gazette of RS, no. 94/2016

## Article 3

Domestic violence, within the meaning of this law, shall be an act of physical, sexual, psychological or economic violence of an offender against a person with whom the offender is in a current or former marital or extra-marital or partner relationship or against a person with whom he or she is a blood relative in a direct line, or lateral to the second degree, or an in-law up to the second degree or to whom he or she is an adoptive parent, adopted son or daughter, foster child or foster parent or another person with whom he or she lives or has lived in the common household.

## Article 4

This law shall also apply to cooperation in preventing domestic violence (Articles 24-27) in criminal proceedings for criminal offenses:

- 1) stalking (Article 138a of the Criminal Code);
- 2) rape (Article 178 of the Criminal Code);
- 3) sexual intercourse with a helpless person (Article 179 of the Criminal Code);
- 4) sexual intercourse with a child (Article 180 of the Criminal Code);
- 5) sexual intercourse through abuse of position (Article 181 of the Criminal Code);
- 6) illicit sexual activities (Article 182 of the Criminal Code);
- 7) sexual harassment (Article 182a of the Criminal Code);
- 8) arranging and facilitating sexual intercourse (Article 183 of the Criminal Code);
- 9) mediation in prostitution (Article 184 of the Criminal Code);
- 10) displaying, procuring and possessing pornographic material and pornographic exploitation of minors (Article 185 of the Criminal Code);
- 11) inducing a child to witness sexual activities (Article 185a of the Criminal Code);
- 12) neglect and abuse of a minor (Article 193 of the Criminal Code);
- 13) domestic violence (Article 194 of the Criminal Code);
- 14) withholding financial support (Article 195 of the Criminal Code);
- 15) violation of family responsibilities (Article 196 of the Criminal Code);

- 16) incest (Article 197 of the Criminal Code);
- 17) trafficking in human beings (Article 388 of the Criminal Code);
- 18) other criminal offenses, if the offense is a result of domestic violence.

## Article 5

Unless provided otherwise hereby, the prevention of domestic violence, proceedings against the perpetrators of criminal offenses referred to here, and the provision of protection and support to victims of domestic violence and victims of criminal offences referred to herein shall be regulated by the Criminal Code, Criminal Procedure Code, Civil Procedure Law, Family Law and the Law on the Police.

## Article 10

Objects of domestic violence prevention shall be the proceedings for the extension of emergency measures, proceedings for imposing protection measures against domestic violence provided by the Family Law (hereinafter: protection measures against domestic violence) and misdemeanour proceedings for misdemeanours established by this law (Article 36).

## Article 13

Everyone must report domestic violence or imminent danger of it to the police or the public prosecutor without delay. Government and other bodies, organisations and institutions shall immediately report to the police or the public prosecutor any knowledge of domestic violence or imminent danger of it.

The competent government bodies and centres for social work (Articles 8 through 11) shall, within their regular activities, identify domestic violence or danger of it.

Identification may be based on an examination of a report submitted by a victim of violence by anyone, observation of traces of physical or other violence on the victim, and other circumstances indicating the existence of domestic violence or imminent danger of it.

A public prosecutor to whom violence or imminent danger of it was reported, shall immediately forward the report to police officers, so that they can notify the competent police officer (Article 14, paragraph 1).

## Article 17

If, after risk assessment, the competent police officer determines that there is an imminent danger of domestic violence, he or she shall issue an order imposing an emergency measure against the offender brought to the competent organisational unit of the police (Article 15, paragraph 1).

Emergency measures shall be: the measure of temporary removal of the offender from the dwelling and the restraining order.

The order may impose both emergency measures.

The order shall contain the name of the authority that issues it, data about the person against whom the emergency measure is imposed, the type of emergency measure imposed and its duration, the day and time of imposing the emergency measure and the obligation of the person against whom the emergency measure was imposed to report to the police officer who imposed it after its expiration.

The order shall be delivered to the person against whom the emergency measure is imposed. If he or she refuses to receive the order, the competent police officer shall draw up a note, whereby the order shall be considered delivered. The competent police officer shall submit the order, immediately upon its delivery, to the basic public prosecutor in whose territory the permanent or temporary residence of the victim is located, to the centre for social work and the group for coordination and collaboration, while the victim of violence shall be informed in writing about the type of emergency measures imposed.

## Article 18

Upon receiving the notification, risk assessment and order, the basic public prosecutor shall examine the notification and evaluates the risk assessment of the competent police officer.

If he or she subsequently establishes an imminent danger of domestic violence, he or she shall file a motion to the court to extend the emergency measure, within 24 hours from the time of delivery of the order to the person against whom the emergency measure was imposed.

In addition to the motion, the basic public prosecutor shall submit to the court the risk assessment of the competent police officer, his or her evaluation of the risk assessment and other evidence pointing to an imminent danger of domestic violence.

## Article 19

The motion to extend the emergency measure shall be filed with the basic court in whose territory the permanent or temporary residence of the victim is located, and the judge shall decide on the motion.

The court shall extend the emergency measure if, after evaluating the risk assessment of the competent police officer, the evaluation of the risk assessment made by the basic public prosecutor, the evaluation of the presented evidence and claims from the motion of the basic public prosecutor and the evaluation of the statement of the person against whom the emergency measure was imposed, it establishes imminent danger of domestic violence; otherwise, the judge shall deny the motion as unfounded.

Decision on the motion shall be issued without holding a hearing, within 24 hours of receipt of the motion to extend the emergency measure.

## Article 21

The emergency measure imposed by the competent police officer shall be in effect for 48 hours from the delivery of the order.

The court may extend an emergency measure by additional 30 days.

If an emergency measure for temporary removal of the offender from the dwelling is extended, the person against whom it is imposed may take necessary personal belongings from the dwelling in the company of police officers.

## Article 24

Liaison officers shall be appointed in the police department, basic and higher public prosecutor's office, basic and higher court, and the centre for social work.

They shall be appointed by the head of the police department, the public prosecutor, the court president and the head of the centre for social work, from among the competent police officers, judges and deputy public prosecutors who have completed specialised training, and employees of the centre for social work.

The liaison officers shall, on a daily basis, exchange information and data relevant to the prevention of domestic violence, detection, prosecution and trying of the criminal offenses specified herein and to the provision of protection and support to victims of domestic violence and victims of crimes referred to herein.

The minister in charge of interior affairs, the minister in charge of justice affairs and the minister in charge of family protection affairs shall jointly prescribe the manner of exchanging information and data between liaison officers.

## Article 25

A group for coordination and collaboration shall be formed in the area of each public prosecutor's office.

It shall examine each case of domestic violence not completed by a final court decision in civil or criminal proceedings,

cases where protection and support for victims of domestic violence and victims of criminal offences referred to herein should be provided, develop an individualised plan of protection and support for the victim and propose to the competent public prosecutor's office measures for the completion of court proceedings.

The group for coordination and collaboration shall hold meetings at least once every 15 days and keep minutes of the meeting.

Meetings may be attended, as appropriate, by representatives of education and health care institutions and the National Employment Service, representatives of other legal entities and associations and individuals providing protection and support to victims.

The group for coordination and collaboration shall adopt its rules of procedure, regulating in more detail its mode of operation and decision-making.

## **Article 26**

The group for coordination and collaboration shall consist of representatives of basic public prosecutor's offices, police departments and centres for social work, from the areas for which the group is formed.

Members of the group for coordination and collaboration shall be appointed by managers of the authorities, from the ranks of deputy basic public prosecutors who completed specialised training, and competent police officers and employees in centres for social work who work on domestic violence cases.

The group for coordination and collaboration shall be chaired by a member of the group from the ranks of deputy public prosecutors.

If prosecuting offenders of criminal offenses referred to herein falls under the jurisdiction of higher public prosecutor's office, the higher public prosecutor shall appoint his or her deputy, who has completed specialised training, to participate in and chair the working group.

## **Article 28**

The competent police officers and public prosecutors, deputy public prosecutors and judges who apply this law shall complete specialised training according to the programme adopted by the Judicial Academy.

Specialised training shall be conducted by the Judicial Academy for public prosecutors, deputy public prosecutors and judges, in cooperation with other professional institutions and organisations, and for police officers specialised training shall be conducted by the Crime Police Academy.

Upon completion of specialised training, the Judicial Academy and the Crime Police Academy shall issue certificates of completion of training to the participants.

The issuance and format of certificates shall be regulated in more detail by an act of the Judicial Academy and the Crime Police Academy.

## **Article 29**

Government bodies and institutions responsible for the implementation of this law shall, during the first contact with a victim of domestic violence or a victim of a criminal offense referred to herein, give the victim complete information about the authorities, legal entities and associations that provide protection and support to him or her, in the manner and in the language the victim of violence understands.

## **Article 30**

A victim of domestic violence and a victim of a criminal offense referred to herein shall be entitled to free legal aid, under a special law.

## Article 31

Upon receiving the risk assessment that identified imminent danger of domestic violence, the group for coordination and collaboration shall develop an individualised plan of protection and support of the victim, which contains comprehensive and effective measures protecting and supporting the victim, as well as other family members needing support.

The victim shall also participate in the preparation of an individualised plan of protection and support, if he or she so wishes and his or her emotional and physical condition allows it.

Protection measures must ensure the safety of the victim, stop the violence, prevent it from happening again and protect the rights of the victim, and measures of support must enable the provision of psychosocial and other support to the victim for the sake of his or her recovery, empowerment and independence.

The individualised plan of protection and support of the victim shall identify those who will implement concrete measures and deadlines for their implementation, as well as the plan to monitor and evaluate the effectiveness of planned and implemented measures.

The individualised plan of protection and support of the victim shall also be prepared for the victims of criminal offenses referred to herein.

## Article 36

A person who violates an emergency measure imposed or extended to such person shall be punished for misdemeanour by imprisonment for a term of up to 60 days.

A responsible person in a government and other body, organisation, and institution that fails immediately to report to the police or public prosecutor or react to a report or obstructs reporting or responding to any information about domestic violence or imminent danger of it (Article 13, paragraph 2) shall be punished for a misdemeanour by a fine of 50,000 dinars to 150,000 dinars.

The conviction for a misdemeanour referred to in paragraph 1 hereof may be enforced before it becomes final, according to the Law on Misdemeanours.

## Article 32

The competent police department shall keep records of reported cases of domestic violence and of imposing and implementing emergency measures and implementing protection measures against domestic violence.

The police department records shall contain:

- 1) data on reported cases of domestic violence (participants of the event, time, place, collected statements, circumstances of the case, data about the potential victim and other);
- 2) data on the reported potential offender (name, surname, personal ID number, address of permanent or temporary residence, data on previously imposed protection measures against domestic violence);
- 3) data on risk assessment and the names of authorities to which the risk assessment was submitted;
- 4) data on the imposition of emergency measures (date and number of the order imposing emergency measures, their duration and the time of their commencement);
- 5) data on the extension and execution of emergency measures (number and date of the basic court's decision to extend emergency measures, data on the execution of emergency measures);
- 6) data on the execution of protection measures against domestic violence.

The basic court shall keep records of its decisions on the motions for the extension of emergency measures and of protection measures against domestic violence imposed.

The records of the basic court on motions for the extension of emergency measures shall include:

- 1) data about the person against whom an emergency measure was extended (name, surname, personal ID number, address of permanent or temporary residence, data on previously imposed protection measures against domestic violence);
- 2) number and date of the decision extending an emergency measure;
- 3) number and date of the decision denying the motion to extend an emergency measure;
- 4) data on the appeal against the decision rendered on the motion to extend emergency measures;
- 5) data concerning the decision taken on the appeal.

The records of the basic court on protection measures against domestic violence imposed shall include:

- 1) data about the person against whom a protection measure against domestic violence was imposed (name, surname, personal ID number, address of permanent or temporary residence, data on previously imposed protection measures against domestic violence);
- 2) data on the court decision on imposing protection measures against domestic violence (number and date of the decision, type of measure imposed and its duration);
- 3) data on the appeal against the court's decision on imposing protection measures against domestic violence;
- 4) data concerning the decision taken on the appeal;
- 5) data on the extension or termination of protection measures against domestic violence.

The basic public prosecutor's office shall keep records of motions for the extension of emergency measures and petitions for the imposition of protection measures against domestic violence.

The records of the basic public prosecutor's office shall include:

- 1) data on the person against whom the extension of emergency measures is proposed (name, surname, personal ID number, address of permanent or temporary residence, data on previously imposed protection measures against domestic violence);
- 2) data on the extension of emergency measures (date and number of the motion for the extension of emergency measures, name of the court where the motion for the extension of emergency measures was filed, the court's decision on the motion of the public prosecutor, data on the decision on appeal);
- 3) data on any action for the imposition of protection measures against domestic violence;
- 4) type of protection measure against domestic violence whose imposition is sought;
- 5) data on the court's decision concerning the action for the imposition of protection measure against domestic violence (number and date of the decision, type of measure that is imposed and duration of the measure);
- 6) data on the extension or termination of the protection measure against domestic violence.

The competent centre for social work shall keep records of the implementation of individualised plans of protection and support to victims.

The records of the centre for social work shall include:

- 1) name, surname, personal ID number and address of permanent or temporary residence of the victim;
- 2) data on the individualised plan of protection and support to the victim;
- 3) data on planned measures of protection of the victim;
- 4) data on planned measures of support to the victim;
- 5) data on those responsible for the implementation of concrete measures of protection and support and deadlines for their implementation;
- 6) data on the plan to monitor and evaluate the effectiveness of planned and implemented measures.

The records of police departments, basic courts, basic public prosecutors' offices and centres for social work shall be kept in electronic form and make up the Central Records on Cases of Domestic Violence (hereinafter: Central Records), maintained by the Republic Public Prosecutor's Office.

Data may be entered into the Central Records only by using the appropriate protected access codes.

Data shall be stored in the records and in the Central Records for ten years and thereafter deleted.

## **Criminal Procedure Code**

Official Gazette of RS, nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019

### **Article 8**

The authority conducting proceedings shall advise the defendant or other participant in the proceedings, in accordance with the provisions hereof, about their rights.

Where a defendant or other participant in the proceedings might fail to perform an action or fail to exercise a right due to ignorance, the authority conducting proceedings shall caution him or her about the consequences of such failure.

### **Article 94**

The following persons shall be released from the duty of giving evidence:

- 1) the defendant's spouse or common-law spouse or other person with whom the defendant lives in other permanent union;
- 2) the defendant's blood relative in the direct line, in a lateral line up to the third degree, and as well as an in-law up to the second degree;
- 3) adopted son or daughter and adoptive parent of the defendant.

A minor who, in view of his or her age and mental development is incapable of understanding the significance of the right not to be obliged to testify, may not be examined as a witness, except if the defendant so demands.

The authority conducting proceedings shall caution the person referred to in paragraph 1 hereof, before examination or as soon as it learns about his or her relationship with the defendant, that he or she is not obligated to testify. The caution and reply shall be entered into record.

A person with valid grounds to decline to testify in connection with one of the defendants shall be relieved of the duty to testify in connection with all the other defendants, if due to the nature of his or her testimony, it cannot be limited only to the other defendants.

### **Article 103**

The authority conducting proceedings may ex officio, upon the petition of parties or the witness himself or herself, designate as a particularly vulnerable witness a witness who is particularly vulnerable in view of his or her age, experience, lifestyle, gender, health status, nature, manner or consequences of the criminal offence committed, or another circumstance of the case.

The ruling granting the status of a particularly vulnerable witness shall be issued by the public prosecutor, president of the panel or individual judge.

If deemed necessary for the purpose of protecting the interests of a particularly vulnerable witness, the authority conducting proceedings referred to in paragraph 2 hereof shall issue a ruling appointing an attorney to the witness, and the public prosecutor or the president of the court shall appoint an attorney according to the order on the roster of attorneys submitted to the court by the competent bar association for designating court appointed defence counsels (Article 76).

No separate appeal shall be allowed against a ruling approving or denying a petition.

### **Article 104**

A particularly vulnerable witness may be examined only through the authority conducting the proceedings, which shall treat the witness with particular care, endeavouring to avoid any detrimental consequences of the criminal proceedings on the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a

psychologist, social worker or other professional, which shall be decided upon by the authority conducting proceedings. If the authority conducting proceedings decides to examine a particularly vulnerable witness using audio-visual equipment, the examination shall be conducted without the presence of the parties and other participants in the proceedings in the room where the witness is located.

A particularly vulnerable witness may also be examined in his or her dwelling or other premises or in an authorised institution professionally qualified for examining particularly vulnerable persons. In such case the authority conducting proceedings may order the implementation of the measures referred to in paragraph 2 hereof.

A particularly vulnerable witness may not be confronted with the defendant, unless the defendant himself or herself requests this and the authority conducting proceedings grants the request, taking into account the level of the witness's vulnerability and rights of defence.

No separate appeal shall be allowed against a ruling referred to in paragraphs 1 to 3 hereof.

## Article 161

Special evidentiary actions may be ordered against a person for whom there are grounds for suspicion that he or she has committed a criminal offence referred to in Article 162 hereof, and evidence for criminal prosecution cannot be acquired in another manner, or their gathering would be particularly difficult.

Special evidentiary actions may also exceptionally be ordered against a person for whom there are grounds for suspicion that he or she is preparing one of the criminal offences referred to in paragraph 1 hereof, and the circumstances of the case indicate that the criminal offence could not be detected, prevented or proved in another manner, or that it would cause disproportionate difficulties or great danger.

In deciding on ordering and the duration of special evidentiary actions, the authority conducting proceedings shall especially consider whether the same result could be achieved in a manner less restrictive of citizens' rights.

## Article 162

Under the conditions referred to in Article 161 hereof, special evidentiary actions may be ordered for the following criminal offences:

- 1) those which according to a separate law fall within the competence of a prosecutor's office of special jurisdiction;
- 2) aggravated murder (Article 114 of the Criminal Code), abduction (Article 134 of the Criminal Code), displaying, procuring and possessing pornographic materials and pornographic exploitation of a minor (Article 185, paragraphs 2 and 3 of the Criminal Code), aggravated robbery (Article 206, paragraphs 2 and 3 of the Criminal Code), extortion (Article 214, paragraph 4 of the Criminal Code), abuse of office of a responsible person (Article 227 of the Criminal Code), abuse related to public procurement (Article 228 of the Criminal Code), taking bribes in the course of conducting business (Article 230 of the Criminal Code), giving bribes in the course of conducting business (Article 231 of the Criminal Code), counterfeiting money (Article 241, paragraphs 1 through 3 of the Criminal Code), money laundering (Article 245, paragraphs 1 through 4 of the Criminal Code), unlawful production and circulation of narcotic drugs (Article 246 paragraphs 1 through 4 of the Criminal Code), threatening independence (Article 305 of the Criminal Code), threatening territorial integrity (Article 307 of the Criminal Code), sedition (Article 308 of the Criminal Code), inciting sedition (Article 309 of the Criminal Code), subversion (Article 313 of the Criminal Code), sabotage (Article 314 of the Criminal Code), espionage (Article 315 of the Criminal Code), divulging state secrets (Article 316 of the Criminal Code), inciting national, racial and religious hatred and intolerance (Article 317 of the Criminal Code), violation of territorial sovereignty (Article 318 of the Criminal Code), conspiring to conduct activities against the Constitution (Article 319 of the Criminal Code), plotting an offence against the constitutional order and security of Serbia (Article 320 of the Criminal Code), serious offences against the constitutional order and security of Serbia (Article 321 of the Criminal Code), illegal manufacture, possession, carrying and sale of weapons and explosive materials (Article 348, paragraph 3 of the Criminal Code), illegal crossing of the national boarder and trafficking in human beings (Article 350, paragraphs 2 and 3 of the Criminal Code), abuse of office (Article 359 of the Criminal Code), trading in influence (Article 366 of the Criminal Code), taking bribes (Article 367 of the Criminal Code), giving bribes (Article 368 of the Criminal Code), trafficking in human beings (Article 388 of the Criminal Code), endangering persons under international protection (Article 392 of the Criminal Code) and the criminal offence referred to in Article 98, paragraphs 2

through 5 of the Law on the Secrecy of Data;

3) obstruction of justice (Article 336, paragraph 1 of the Criminal Code), if committed in connection with the criminal offence referred to in items 1) and 2) hereof.

A special evidentiary action referred to in Article 183 hereof may be ordered only in connection with a criminal offence referred to in paragraph 1, item 1) hereof.

Under the conditions referred to in Article 161 hereof, a special evidentiary action referred to in Article 166 hereof may also be ordered for the following criminal offences: unlawful exploitation of copyrighted work or other works protected by related rights (Article 199 of the Criminal Code), damaging computer data and programmes (Article 298, paragraph 3 of the Criminal Code), computer sabotage (Article 299 of the Criminal Code), computer fraud (Article 301, paragraph 3 of the Criminal Code) and unlawful access to protected computers, computer networks and electronic data processing (Article 302 of the Criminal Code).

## **b) Covert Interception of Communications**

### **Article 166**

If the conditions referred to in Article 161, paragraphs 1 and 2 hereof are fulfilled, acting on a reasoned motion by the public prosecutor, the court may order interception and recording of communications conducted by telephone or other technical means or surveillance of the electronic or other address of a suspect and seizure of letters and other parcels.

## **c) Covert Surveillance and Recording**

### **Article 171**

If the conditions referred to in Article 161, paragraphs 1 and 2 hereof are fulfilled, acting on a reasoned motion of the public prosecutor, the court may order covert surveillance and recording of a suspect for the purpose of:

- 1) detecting contacts or communication of the suspect in public places where access is limited or in premises, except in a dwelling;
- 2) determining the identity of a person or locating persons or items.

The locations or premises referred to in paragraph 1, item 1) hereof or vehicles belonging to other persons may be the object of covert surveillance and recording only if it is probable that the suspect will be present there or that he uses those vehicles.

## **d) Simulated Deals**

### **Article 174**

If the conditions referred to in Article 161, paragraphs 1 and 2 hereof are fulfilled, acting on a reasoned motion by the public prosecutor, the court may order:

- 1) a simulated purchase, sale or rendering of business services;
- 2) a simulated offering or acceptance of bribes

## **e) Computer Search of Data**

### **Article 178**

If the conditions referred to in Article 161, paragraphs 1 and 2 hereof are fulfilled, acting on a reasoned motion by the public prosecutor, the court may order computer search of already processed personal data and other data and their matching with data relating to the suspect and the criminal offence.

## **f) Controlled Delivery**

### **Article 181**

If the conditions referred to in Article 161, paragraphs 1 and 2 hereof are fulfilled, the Republic Public Prosecutor, or the public prosecutor of special jurisdiction may, for the purpose of gathering evidence for the proceedings and detecting suspects, order a controlled delivery where it is permitted to have, with the knowledge and under the supervision of the competent authorities, illegal or suspicious parcels:

- 1) delivered within the territory of the Republic of Serbia;
- 2) enter, transit through and exit from the territory of the Republic of Serbia.

The public prosecutor referred to in paragraph 1 hereof determines by an order the manner of conducting the controlled delivery.

## **g) Undercover Investigator**

### **Article 183**

If the conditions referred to in Article 161, paragraphs 1 and 2 hereof are fulfilled, acting on a reasoned motion by the public prosecutor, the court may order the deployment of an undercover investigator if evidence for criminal prosecution cannot be gathered by other special evidentiary actions or if their gathering would be substantially more difficult.

### **Article 187**

An undercover investigator under a code-name or pseudonym may exceptionally be examined as a witness in criminal proceedings. The examination shall be performed so that the identity of the undercover investigator is not revealed to the parties and the defence counsel.

The undercover investigator shall be summoned through his or her superior officer (Article 186, paragraph 1) who immediately before the examination by a declaration given before the court confirms the identity of the undercover investigator. The data on the identity of the undercover investigator being examined as a witness shall represent secret data.

A court decision may not be based only or to a decisive extent on the testimony of an undercover investigator.

### **Article 280**

Government and other bodies, legal persons and individuals shall report criminal offences which are prosecutable ex officio, about which they were informed or they learn in other manner, under the conditions stipulated by law or other regulation.

The Criminal Code stipulates in which cases a failure to report a criminal offence represents a criminal offence. The criminal report filer referred to in paragraph 1 hereof shall relate details known to him or her and undertake measures to preserve the traces of the criminal offence, objects on which or by means of which the criminal offence was committed, and other evidence.

### **Article 304**

If necessary in order to protect the interests of national security, public order and morality, interests of minors, privacy of participants in proceedings, or for other justified interests in democratic society, the authority conducting proceedings which conducts an evidentiary action shall order persons being interviewed or examined or attending evidentiary actions or examining the case file to maintain confidentiality of certain facts or data learnt on that occasion, and caution them that disclosure of a secret represents a criminal offence under law.

The order referred to in paragraph 1 hereof shall be entered into the evidentiary action record, or shall be noted on the case file documents being examined and accompanied by a signature of the person cautioned.

## Article 363

From the commencement of the hearing until the conclusion of the trial, the panel may ex officio or upon a motion of a party or the defence counsel, but always after they had stated their positions, exclude the public from the entire trial or a part thereof, if it is necessary for the purpose of protecting:

- 1) interests of national security;
- 2) public order and morality;
- 3) interests of juveniles;
- 4) private lives of the participants in the proceedings;
- 5) other justified interests in democratic society.

## Law on Corporate Liability for Criminal Offences

Official Gazette of RS, no. 97/2008

## Article 6

A legal entity shall be liable for a criminal offence committed within the scope of its activities and powers by a responsible person in order to benefit the legal entity.

Liability of the legal entity referred to in paragraph 1 hereof shall also exist where, due to lack of supervision or control by the responsible person, the commission of a criminal offence benefiting the legal person by an individual acting under the supervision and control of the responsible person, was made possible.

## Article 12

The following criminal sanctions for a criminal offence may be imposed against a legal entity:

- 1) a fine;
- 2) suspended sentence;
- 3) safety measures.

### a) Penalties.

## Article 13

The following penalties may be imposed against a legal entity:

- 1) a fine;
- 2) termination of the legal entity.

## Law on the Organisation and Competences of Government Authorities Combating Cyber Crime

(Official Gazette of RS, nos. 61/2005 and 104/2009)

## Article 3

This law shall be applied for the purpose of detection, criminal prosecution of and trying:

- 1) criminal offences against the security of computer data established by the Criminal Code;
- 2) criminal offences against intellectual property, property, economy and legal transactions, where computers, computer systems, computer networks and computer data, as well as their products in physical or electronic form appear as the objects or means of committing a criminal offence, if the number of copies of copyrighted works exceeds 2000 or the resulting damage exceeds the amount of 1,000,000 dinars;
- 3) criminal offences against freedoms and rights of man and citizen, sexual freedoms, public order and peace, constitutional order and security of the Republic of Serbia, which, due to the manner in which they were committed

or means used, may be considered cybercrime, in accordance with Article 2, paragraph 1 hereof.

## Article 4

The Higher Public Prosecutor's Office in Belgrade shall have the jurisdiction for the territory of the Republic of Serbia to proceed in the cases of criminal offences referred to in Article 3 hereof.

The Higher Public Prosecutor's Office shall form a special department for combating cybercrime (hereinafter: Special Prosecutor's Office).

## Law on Criminal Assets Seizure and Confiscation

Official Gazette of RS, nos. 32/2013, 94/2016 and 35/2019

## Article 2

The provisions hereof shall apply to the following criminal offenses:

- 1) organised crime;
- 1a) aggravated murder (Article 114, paragraph 1, items 4) and 5) of the Criminal Code);
- 2) abduction (Article 134 of the Criminal Code);
- 3) displaying, procuring and possessing pornographic material and pornographic exploitation of a minor (Article 185, paragraphs 2 and 3 of the Criminal Code);
- 3a) against intellectual property (Article 199, paragraph 3 and Article 201, paragraph 2 of the Criminal Code);
- 4) against property (Article 204, paragraph 4, Article 205, paragraphs 2 and 3, Article 206, paragraph 2, Article 208, paragraph 4, Article 208b paragraph 3, Article 214, paragraphs 3 and 4, and Article 217, paragraph 3 of the Criminal Code);
- 5) against the economy (Article 223, paragraph 3, Article 223a, paragraph 4, Article 224, paragraph 3, Article 224a, paragraph 3, Article 225, paragraphs 2 and 3, Article 227, paragraph 3, Article 228, paragraph 3, Article 228a, paragraph 3, Articles 230 through 233, Article 235, paragraph 4, Article 236, paragraph 2, Article 238, paragraph 3, Article 241, paragraph 3, Article 242, paragraph 2, Article 243, paragraph 3, Article 244, paragraph 2, Article 244b and Article 245, paragraphs 2 through 4 of the Criminal Code);
- 6) unlawful production, possession and circulation of narcotic drugs (Article 246, paragraphs 1 through 4 of the Criminal Code);
- 7) against public order and peace (Article 348, paragraph 3 and Article 350, paragraphs 2 and 3 of the Criminal Code);
- 8) against official duty (Article 359, paragraph 3, Article 363, paragraph 3, Article 364, paragraph 3, Article 366, paragraph 5, Article 367, paragraphs 1 through 3, and paragraphs 5 and 6, and Article 368, paragraphs 1 through 3 and paragraph 5 of the Criminal Code);
- 9) against humanity and other goods protected by international law (Article 372, paragraph 1, Article 377, Article 378, paragraph 3, Article 379, paragraph 3, Articles 388 through 390 and Article 393 of the Criminal Code).

For the criminal offenses referred to in Article 114, paragraph 1, items 4) and 5), Article 134, Article 185, paragraphs 2 and 3, Article 199, paragraph 3, Article 201, paragraph 2, Article 205, paragraph 3, Article 206, paragraph 2, Article 214, paragraph 4, Article 217, paragraph 3, Article 228, paragraph 3, Article 230 through 233, Article 235, paragraph 4, Article 236, paragraph 2, Article 238, paragraph 3, Article 244b, Article 245, paragraphs 3 and 4, Article 348, paragraph 3, Article 350, paragraphs 2 and 3, Article 366, paragraph 5, Article 367, paragraphs 1 through 3 and paragraphs 5 and 6, Article 368, paragraphs 1 through 3 and paragraph 5, Article 372, paragraph 1, Article 377, Article 378, paragraph 3, Article 388 through 390 and Article 393 of the Criminal Code, the provisions hereof shall apply if the criminal proceeds, that is, the value of object of the criminal offense exceeds the amount of one million five hundred thousand dinars.

## Article 52a

If immovable property is seized, the Directorate may conclude a lease agreement relating to such property.

At the request of a body of the central government or autonomous province or local government unit, the Director of the Directorate may grant the use of the seized immovable property without compensation, for the purpose of

performing socially beneficial activities.

## Article 54

Seized items of historical, artistic and scientific value shall be deposited by the Directorate for safekeeping with the institutions in charge of safekeeping these items until a decision on a petition for confiscation of property is taken.

Seized foreign currency and foreign currency cash shall be transferred or paid into a special-purpose account of the Directorate with the National Bank of Serbia, based on an agreement which shall be concluded, while seized dinars shall be deposited into a special-purpose account of the Directorate with the ministry in charge of financial and economic affairs - Treasury Administration.

The Directorate shall hand over items made of precious metals, precious and semi-precious stones and pearls to the National Bank of Serbia for safekeeping until the decision referred to in paragraph 1 hereof is taken.

Seized weapons shall be handed over for safekeeping to the ministry in charge of interior affairs, with the exception of collectors' and trophy items, which shall be entrusted to the museum for safekeeping.

## Article 56

In order to preserve the value of seized assets, the Directorate may sell movable assets and securities directly or through a specific individual or legal entity.

## Article 57

Movable assets shall be sold at the same or higher price than the estimated value set by the Directorate. If the assets are not sold after two public auctions, the sale may be conducted by direct negotiation.

Securities and other instruments shall be sold in accordance with the regulations governing the trade in securities.

## Article 58

Movable assets that are not sold for more than a year may be donated for humanitarian purposes or destroyed.

The decision on the gifting of assets referred to in paragraph 1 hereof shall be made by the Government, at the proposal of the Director, after obtaining an opinion of the minister in charge of health or social care.

The Director shall also issue the decision on the destruction of assets referred to in paragraph 1 hereof due to the existence of health, veterinary, phytosanitary, safety or other reasons prescribed by law.

## Article 59

Proceeds from the management of seized assets and the sale of assets referred to in Article 56, paragraph 1 hereof shall be kept in the separate accounts of the Directorate until the seizure of assets is terminated.

The funds referred to in paragraph 1 hereof shall be used to return the assets and provide compensation for damage and costs. If the funds are insufficient, the shortfall shall be paid from the budget of the Republic of Serbia.

For the purpose of preventing a reduction of value of seized assets, the funds referred to in paragraph 1 hereof may be temporarily used for the operation of the legal entity whose assets are managed by the Directorate.

## Article 62

Property and proceeds from the sale of property shall become the property of the Republic of Serbia once the decision to confiscate the property becomes final.

Confiscated foreign currency and foreign currency cash shall be deposited and kept in a special-purpose account with the National Bank of Serbia, and confiscated dinars shall be deposited in the accounts for the payment of public

revenues.

Pursuant to a decision of the ministry in charge of science or culture, the Directorate shall assign without compensation confiscated objects of historical, artistic and scientific value to the institutions in charge of safekeeping such goods. The decision on the treatment of confiscated items referred to in Article 54, paragraphs 3 and 4 hereof shall be passed by the Government.

Confiscated immovable property shall be subject to the provisions of the law governing public property. The Government may determine the purpose of confiscated property aimed at carrying out socially beneficial activities.

## Article 63

After deducting the costs of managing seized and confiscated property and settling the claim of the injured party, the proceeds from the sale of confiscated property shall be paid into the budget of the Republic of Serbia.

Thirty percent of the proceeds referred to in paragraph 1 hereof shall be used for financing social and health needs in accordance with the decision of the Government.

## Family Law

Official Gazette of RS, nos. 18/2005, 72/2011 and 6/2015

## Article 6

Each person shall be guided by the best interests of the child in all activities concerning the child.

The government shall take all necessary measures to protect the child from neglect, from physical, sexual and emotional abuse and from any exploitation.

The government shall respect, protect and promote the rights of the child.

## Article 65

A child who is capable of forming his or her own opinion shall have the right to freely express such opinion.

A child shall have the right to duly receive all information necessary for forming own opinion.

A child's opinion must be given due consideration in all issues concerning the child and in all proceedings where his or her rights are decided on, in accordance with the age and maturity of the child.

A child who has attained 10 years of age shall have the right to freely and directly express his or her opinion in every court and administrative proceedings where his or her rights are decided upon.

A child who has attained 10 years of age may address the court or administrative body, directly or through another person or institution, and petition for assistance in the realisation of his or her right to free expression of opinion.

The court and administrative body shall establish the child's opinion in cooperation with school psychologist or guardianship authority, family counselling service or other institution specialised for mediation in family relations, in the presence of the person chosen by the child.

## Article 81

A parent abusing the rights or grossly neglecting duties that are an integral part of parental right may be fully deprived of parental right.

A parent abuses rights that are an integral part of parental right:

1. if he or she physically, sexually or emotionally abuses the child;

2. if he or she exploits the child by forcing the child to excessive labour, or labour that endangers the morals, health or education of the child, or labour that is prohibited by law;
3. if he or she induces the child to commit criminal offences;
4. if he or she causes the child to become accustomed to indulging bad propensities;
5. if he or she in another manner abuses the rights that are an integral part of parental right.

A parent grossly neglects the duties that are an integral part of parental right:

1. if he or she has abandoned the child;
2. if he or she does not take any care of the child with whom he or she lives;
3. if he or she avoids supporting the child or maintaining personal contact with the child with whom he or she does not live or if he or she prevents the maintenance of personal contact between the child and the parent with whom the child does not live;
4. if he or she, with intent and without justification, avoids creating conditions for life together with the child placed in a residential social care institution;
5. if he or she is in another manner grossly negligent of duties that are an integral part of parental right.

A court decision on full deprivation of parental right shall deprive the parent of all rights and duties that are an integral part of parental rights, except for the duty of supporting the child.

One or more measures for protecting the child against domestic violence may be imposed by the court decision on full deprivation of parental right.

## Article 132

The guardianship authority may decide to appoint a temporary guardian to a ward, as well as to a child with parental care, or a person having legal capacity, if it deems it necessary for the purpose of temporary protection of the personality, rights or interests of such persons.

Under the conditions referred to in paragraph 1 hereof, the guardianship authority shall appoint a temporary guardian to:

1. a person whose permanent residence is unknown, and who does not have a legal representative or attorney;
2. an unknown owner of property;
3. a person whose interests are in conflict with the interests of his or her legal representative, or to persons who have conflicting interests and the same legal representative (guardian ad litem);
4. a foreign national who is or has property in the territory of the Republic of Serbia;
5. a person who petitions for a temporary guardian to be appointed to him or her and gives a justified reason for that;
6. other person, if provided so by law.

Decision on the appointment of a temporary guardian shall also specify the legal transaction or the type of legal transaction the guardian may undertake, depending on the circumstances of each specific case.

## Article 198

The court may impose one or more protection measures against domestic violence against a family member who acts violently, temporarily prohibiting or limiting the maintenance of personal contacts with another family member.

Protection measures against domestic violence shall be:

1. issuance of an order for removal from the family dwelling, regardless of the right of ownership or lease of the immovable property;
2. issuance of an order for moving into the family dwelling, regardless of the right of ownership or lease of the immovable property;

3. a restraining order;
4. prohibition of entering the vicinity of the place of residence or work of a family member;
5. prohibition of further harassment of a family member;

A protection measure against domestic violence may last for up to one year.

The time spent in detention as well as any deprivation of liberty with regard to the criminal offence or misdemeanour shall count towards the duration of the protection measure against domestic violence.

## Article 265

If there are conflicting interests between the child and the child's legal representative, the child shall be represented by the guardian ad litem.

A child who has attained 10 years of age and who is capable of reasoning may petition the guardianship authority, directly or through another person or institution, to appoint him or her a guardian ad litem.

A child who has attained 10 years of age and is capable of reasoning may petition the court, directly or through another person or institution, to appoint him or her a temporary representative due to existence of conflicting interests between him or her and his or her legal representative.

## Article 266

In a dispute for the protection of the child's rights and in a dispute for the exercise or deprivation of parental right, the court shall always be guided by the child's best interest.

If the court assesses that, in a dispute for the protection of the child's right or in a dispute for the exercise or deprivation of parental right, the child as a party is not properly represented, it shall appoint a temporary representative for the child.

If the court established that, in a dispute for the protection of the child's right or in a dispute for the exercise or deprivation of parental right, a party is a child capable of forming his or her own opinion, it shall:

1. ensure that the child duly receives all necessary information;
2. allow the child to express his or her opinion directly and give due consideration to the child's opinion, in accordance with the age and maturity of the child;
3. establish the child's opinion in the manner and place that is in accordance with the child's age and maturity, unless this would be in manifest contrast with the child's best interest.

## Article 267

If the guardian ad litem or temporary representative establishes that, in a dispute for the protection of the child's right or in a dispute for the exercise or deprivation of parental right, he or she represents a child capable of forming his or her own opinion, he or she shall:

1. ensure that the child duly receives all necessary information;
2. provide explanation to the child concerning possible consequences of the acts he or she performs;
3. convey to the court the child's opinion, if the child did not directly express his or her opinion before the court, unless this would be in manifest contrast with the child's best interests.

## Article 289

The court shall immediately deliver the judgement in a dispute for protection against domestic violence to the guardianship authority in the territory of which the family member against whom violence was committed has permanent or temporary residence, as well as to the guardianship authority in the territory of which the family member against whom the protection measure was imposed has permanent or temporary residence.

The guardianship authority shall keep records and documentation both on the persons against whom violence was committed and the persons against whom a protection measure was imposed.

The manner of keeping the records and documentation shall be prescribed by the minister in charge of family protection.

## **Social Security Law**

Official Gazette of RS, no. 24/2011

### **Article 40**

Social care services shall be divided into the following groups:

- 1) assessment and planning services - assessment of the status, needs, strengths and risks of the beneficiary and other significant persons in his or her environment; assessment of the guardians, foster parents and adoptive parents; development of an individualised or family plan for the provision of services and measures of legal protection and other assessments and plans;
- 2) community day care services - day care; home assistance; drop-in centre and other services that support the beneficiary's stay in the family and immediate environment;
- 3) support services for independent living - assisted housing; personal assistance; training for independent living and other types of support necessary for active participation of the beneficiary in society;
- 4) counselling-therapy and social-educational services - intensive support services to a family in crisis; counselling and support of parents, foster parents and adoptive parents; support to a family caring for their child or adult family member with disabilities; maintaining family relationships and family reunification; counselling and support in cases of violence; family therapy; mediation; helplines; activation and other advisory and education services and activities;
- 5) placement services - placement in a kinship, foster or other family for adults and the elderly; residential accommodation; accommodation in a shelter and other types of accommodation.

### **Article 56**

Social care services may be provided in the form of urgent interventions to ensure safety in situations that endanger the life, health and development of the beneficiary and shall be provided 24 hours a day.

Urgent intervention services shall be provided by the centre for social work with obligatory cooperation with other competent authorities and services.

### **Article 143**

Professional development, within the meaning of this law, shall be understood to mean the continuous acquisition of knowledge and skills of professionals and professional associates in social protection.

The costs of professional development of professionals and professional associates shall be borne by the employer and professionals and professional associates.

### **Article 144**

Professionals and professional associates in social protection shall have the right and duty to constantly keep abreast of the development of science and profession during their professional work and to develop their professional skills in order to maintain and improve their professional competences and quality of professional work.

Professional development of professionals shall be a condition for advancement, and acquisition and renewal of a license.

The social protection institution and the social care service provider shall provide the employed professionals with the conditions for acquiring and renewing the license, in accordance with law.

## Article 7

The education system must provide for all children, students and adults:

- 1) equality and availability of exercise of the right to education based on social justice and the principle of equal opportunity without discrimination;
- 2) focus of education on the child and student through various forms of learning, teaching and assessment that meet different needs of the child and student, develop motivation for learning and raise the quality of achievement;
- 3) respect for human rights and the rights of every child, student and adult and respect for human dignity; education in a democratically organised and socially responsible institution fostering openness, cooperation, tolerance, awareness of cultural and civilisational cohesion in the world, commitment to fundamental moral values, values of justice, truth, solidarity, freedom, honesty and responsibility and in which full respect for the rights of the child, student and adult is ensured;
- 4) high quality education for all; quality and balanced education, based on the progress and achievements of modern science, application of the achievements of scientific disciplines important for the process of education and adapted to the age and personal education needs of each child, students and adult;
- 7) professional ethics and competence, which implies high professionalism of teachers, professionals, principals and secretaries, continuous professional development and a high level of professional responsibility and ethics;
- 9) democracy through the engagement of all stakeholders in the education system in the design and implementation of education policies, respecting the needs and rights with obligations and responsibilities;

## Article 8

The main goals of education shall be:

- 1) providing well-being and support for the overall development of the child, student and adult;
- 2) providing a supportive and safe environment for the full development of the child, student and adult, developing non-violent behaviour and establishing zero tolerance for violence;
- 3) broader coverage of children with pre-school education and comprehensive inclusion of students in the education system;
- 4) developing and practicing healthy lifestyles, awareness of the importance of one's own health and safety, the need to foster and develop physical abilities;
- 5) developing awareness of the importance of sustainable development, protection and conservation of nature and the environment and of environmental ethics, protection and welfare of animals;
- 7) developing competencies for coping with and actively participating in changing modern society;
- 8) full intellectual, emotional, social, moral and physical development of each child, student and adult, in accordance with his or her age, developmental needs and interests;
- 10) development of self-awareness, creative skills, critical thinking, motivation to learn, skills of teamwork, self-evaluation, self-initiative and self-expression;
- 11) empowerment to make valid decisions about the choice of further education and profession, own development and future life;
- 12) developing positive human values;
- 13) developing a sense of solidarity, understanding and constructive cooperation with others and fostering friendship and comradeship;
- 14) developing competencies for understanding and respecting the rights of the child, human rights, civil liberties and the capacity to live in democratically organised and just society;
- 15) development and respect for racial, national, cultural, linguistic, religious, gender, sexual and age equality, tolerance and respect for diversity;
- 16) developing personal and national identity, developing awareness and sense of belonging to the Republic of Serbia, respecting and promoting the Serbian language and mother tongue, tradition and culture of the Serbian

people and national minorities, developing interculturalism, respect and preservation of national and world cultural heritage.

## Article 111

The institution shall prohibit physical, psychological, social, sexual, digital and any other violence, abuse and neglect of an employee, child, student, adult, parent or other legal representative or third party in the institution.

Violations of the prohibition referred to in paragraph 1 hereof committed by an employee against another employee of the institution shall be regulated by law.

Violence and abuse shall be understood to mean any form of one-off or repeated verbal or non-verbal behaviour that results in an actual or potential threat to the health, development and personal dignity of a child, student and adult.

Neglect and negligence shall be understood to mean the failure of the institution or an employee to provide the conditions for the proper development of the child, student and adult.

The institution shall immediately file a report to the competent authority if there are signs of violence, abuse or neglect in the child, student or adult.

Physical violence, within the meaning hereof, shall be understood to mean: violent disciplining of a child, student or adult by an employee, parent or other legal representative or a third party in an institution; any behaviour that may result in actual or potential bodily harm to a child, student, adult or employee; violent behaviour of an employee towards a child, student or adult, as well as of a student and adult towards another student, adult or employee.

Psychological violence, within the meaning hereof, shall be understood to mean the conduct that leads to an immediate or permanent threat to mental and emotional health and dignity.

Social violence, within the meaning hereof, shall be understood to mean the exclusion of a child, student and adult from a group of peers and various forms of activity of an institution.

Sexual violence and abuse, within the meaning hereof, shall be understood to mean the conduct involving sexually harassment, inducement, or coercion of a child and student into engaging in sexual activities that he or she does not want, understand, or is unprepared for in terms of level of development, or his or her use for prostitution, pornography, and other forms of sexual exploitation.

Digital violence and abuse, within the meaning hereof, shall be understood to mean the misuse of information and communication technologies that may result in harm to another person and endanger dignity, perpetrated by sending e-mail, SMS, MMS messages, via website, by chatting, joining forums, social networks and other forms of digital communication.

The institution shall report to the competent authority any form of violence, abuse and neglect in the institution committed by parents or another legal representative or a third party in the institution.

The institution's protocol in response to violence and abuse, the content and methods of carrying out prevention and intervention activities, the conditions and methods for risk assessment, the methods of protection against violence, abuse and neglect, shall be prescribed by the Minister.

The Minister shall prescribe in more detail the conditions on the methods of recognising non-verbal forms of abuse of children and students by an employee during care, rest, recreation and other forms of education work.

## Article 139

A person may be employed in an institution under the conditions prescribed by law if such person:

- 1) has appropriate education;
- 2) has the mental, physical and health capacity to work with children and students;
- 3) has not been convicted by a final judgment of a criminal offense for which a sentence of imprisonment for a term of at least three months without probation has been pronounced, as well as of the criminal offenses of domestic violence, removal of a minor, neglect and abuse of a minor or incest, for the criminal offenses of taking or giving bribes; for the criminal offences belonging to the group of criminal offenses against sexual freedom,

against legal transactions and against humanity and other goods protected by international law, regardless of the criminal sanction imposed, and for which no discriminatory conduct has been established in accordance with law;

4) is a national of the Republic of Serbia;

5) speaks the Serbian language and the language of tuition.

The conditions referred to in paragraph 1 hereof shall be proven when establishing employment and verified during the course of employment.

Evidence of fulfilment of the conditions referred to in paragraph 1, items 1), 3) through 5) hereof shall be an integral part of the job application and the evidence referred to in paragraph 1, item 2) hereof shall be obtained before the employment contract is concluded.

## Article 167

An employee shall be terminated if, during the course of employment, it is established that he or she does not fulfil the conditions referred to in Article 139, paragraph 1 hereof, or if he or she refuses to undergo a medical examination at the competent health care institution at the request of the principal.

## Law on Health Care

Official Gazette of RS, no. 25/2019

## Article 182

The medical professional shall apply for a license with the competent chamber.

The Chamber shall issue a license to a medical professional provided:

4) he or she has not been convicted of a premeditated criminal offense by a final judgment and sentenced to imprisonment for a term of one year or more, or imprisonment for a criminal offense against human health, or he or she has not been pronounced a security measure in accordance with the Criminal Code by a final court decision, namely: compulsory psychiatric treatment and confinement in a health care institution, compulsory psychiatric out-patient treatment, compulsory treatment of drug addicts, compulsory treatment of alcoholics, prohibition of engaging in a profession, activity and duty due which he or she cannot engage in health care activities.

The health care institution, or private practice, shall, within 24 hours after receiving it, submit the information that a medical professional has been convicted by a final court decision of a criminal offense, or the information on the pronounced security measure referred to in paragraph 2, item 4) hereof, to the competent chamber of medical professionals.

## Article 185

The Chamber shall ex officio revoke a license of a medical professional:

4) if he or she was convicted of a premeditated criminal offense by a final court decision and sentenced to imprisonment for a term of six months or longer, or imprisonment for a criminal offense against human health;

5) if a security measure in accordance with the Criminal Code was imposed against him or her by a final court decision, namely: compulsory psychiatric treatment and confinement in a health care institution, compulsory psychiatric out-patient treatment, compulsory treatment of drug addicts, compulsory treatment of alcoholics, or prohibition of engaging in a profession, activity and duty due to which he or she cannot engage in health care activities;

Temporary revocation of a license for the reasons set out in paragraph 1, item 5) hereof may last until the expiry of the security measure imposed against the medical professional.

## **Article 14**

The patient shall have the right to confidentiality of all personal information, which he has communicated to the competent medical professional or medical associate, including those related to his health status and potential diagnostic and therapeutic procedures, as well as the right to protection of privacy during the conduct of diagnostic tests and treatment as a whole.

The competent medical professional or medical associate must not disclose to other persons the personal information referred to in paragraph 1 hereof.

Patient examinations and medical interventions in general may only be attended by those medical professionals and medical associates who are directly involved in the patient's examinations and medical interventions.

As a rule, the examination of the patient and other medical interventions may be attended by students of medical schools and higher education institutions, for the purpose of practical teaching, as well as medical professionals and medical associates, during the course of internship and professional development, unless the patient refuses.

The patient may also consent to the presence of other persons during his or her examination and medical interventions in general.

At the express request of the patient, the examination performed by the competent medical doctor or dentist may not be attended by other medical professionals or medical associates.

During the stay in an in-patient health care institution, the patient shall have the right to receive visitors, in accordance with the rules of the health care institution, as well as the right to prohibit visits to a specific person or persons.

## **Article 21**

Data on health status and data from medical records shall be deemed to belong to personal data and represent particularly sensitive patient's personal data, in accordance with law.

The data referred to in paragraph 1 hereof shall be kept confidential by all medical professionals and medical associates, as well as other persons employed with health care institutions, private practice, organisational unit of an institution for higher education for medical professions engaging in health care activity, other legal entity engaging in certain activities in the field of health care in accordance with law, compulsory health insurance organisation, as well as legal entity engaging in voluntary health insurance business, with which the patient has health insurance, to which such data is available and necessary for the performance of the responsibilities established by law.

Data on human substances, on the basis of which the identity of the person from whom they were taken, shall also be considered particularly sensitive personal data about a patient.

The persons referred to in paragraph 2 hereof, as well as other persons who unlawfully or without the consent of the patient or legal representative, handle medical records data in contravention hereof, and unlawfully publicise such data, shall be liable for the disclosure of particularly sensitive data in accordance with law.

## **Article 22**

Competent medical professionals and medical associates, as well as other persons employed with the employer referred to in Article 21, paragraph 2 hereof, may be relieved of the duty of keeping confidential the data referred to in Article 21, paragraph 1 hereof, only upon the written consent of the patient, legal representative, or by a court decision.

If the patient or legal representative has given a written statement or authorisation certified by the competent authority and kept in the medical records, consenting to the communication of health data, the competent medical professional may disclose the patient's health status data.

Notwithstanding paragraph 2 hereof, the competent medical professional may disclose the patient's health status data to an adult immediate family member, even if the patient has not given his or her consent to communication of his or

her health status, but the communication of such data is necessary to avoid risk to the health of the family member.

## **Law on Free Legal Aid**

Official Gazette of RS, no. 87/2018

### **Article 6**

Free legal aid shall consist of providing legal advice, drafting briefs, representation and defence.

Providing legal advice shall mean a detailed explanation of the manner and possibility of resolving a particular legal matter before a court, other government body, or public authority or in an amicable dispute settlement procedure, which relates to the right, obligation or interest of the beneficiary of free legal aid based on law.

Drafting a brief shall mean drafting a document initiating proceedings before a court, other government body or public authority, or submitted during an already initiated procedure (drafting an action, petition, motion, request, complaint, objection, brief, appeal and other legal remedy).

Representation shall mean any legal action taken based on a power of attorney by an attorney in the name and on behalf of the beneficiary of free legal aid in proceedings before a court, other government body, public authority or in an amicable dispute settlement procedure.

Défense shall mean the representation of a suspect, defendant or accused in pre-trial, investigative and criminal proceedings, conducted on suspicion of having committed a criminal offense for which no compulsory defence is provided, and representation in misdemeanour proceedings conducted on suspicion of having committed a misdemeanour punishable by imprisonment.

### **Article 9**

Free legal aid shall be provided by lawyers and legal aid services in local government units.

Associations may provide free legal aid only on the basis of the provisions of the laws governing the right to asylum and non-discrimination.

Free legal aid shall be provided by lawyers on behalf of the association.

Free legal aid in the legal aid service in the local government unit or on behalf of the association may be provided by law graduates, only within the authority vested in them by the law governing the relevant procedure.

Free legal aid providers and associations, within the goals for which they were founded, may provide general legal information and fill in forms, as forms of free legal support.

A local government unit may organise a free legal aid service together with another provider, within the authority vested in those providers hereby, but may not fully delegate the provision of free legal aid to it.

## **Law on the Prohibition of Discrimination**

Official Gazette of RS, no. 22/2009

### **Article 2**

In the text hereof:

the terms “discrimination” and “discriminatory treatment” shall be used to designate any unwarranted differentiation or unequal treatment, or omission (exclusion, limitation or preferential treatment) in relation to individuals or groups, as well as members of their families or persons close to them, overtly or covertly, on the grounds of race, skin colour, ancestors, citizenship, national affiliation or ethnic origin, language, religious or political beliefs, gender, gender identity, sexual orientation, financial status, birth, genetic characteristics, health, disability, marital and family status, previous

convictions, age, appearance, membership in political, trade union and other organisations and other real or presumed personal characteristics (hereinafter referred to as: personal characteristics);

### Article 3

Everyone shall have the right to efficient protection by the competent courts and other public authorities of the Republic of Serbia from any form of discrimination.

A foreigner in the Republic of Serbia, in accordance with international treaties, shall have all the rights guaranteed by the Constitution and law, with the exception of those rights that, in accordance with the Constitution and law, are only enjoyed by the citizens of the Republic of Serbia.

The rights established hereby shall not be exercised contrary to their recognised objective, or with the intention of denying, violating or limiting the rights and freedoms of others.

### Article 4

All persons shall be equal and shall enjoy equal status and equal legal protection regardless of personal characteristics. Everyone shall respect the principle of equality and non-discrimination.

## Law on Public Information and Media

Official Gazette of RS, nos. 83/2014, 58/2015 and 12/2016

### Article 77

With a view to protecting the free development of juveniles' personality, particular consideration must be given to ensuring that the content and manner of media distribution do not impair the moral, intellectual, emotional or social development of juveniles.

### Article 78

Print media with pornographic content shall not be publicly displayed in a manner accessible to juveniles.

### Article 79

Personal dignity (honour, reputation and respect) of the persons to whom the information refers shall be legally protected.

Dignity of a victim of violence shall not be violated by showing or describing the scene of violence in the media or media content.

### Article 80

A juvenile shall not be made recognisable in the information that may violate his or her right or interest.

## Rulebook on the Protection of Rights of Minors in the Field of Media Service Provision

Official Gazette of RS, no. 25/2015

### Article 4

It is forbidden to display:

- 1) pornography;
- 2) brutal violence, without specific programmatic or artistic justification;

3) and other programme contents which can severely harm the physical, mental or moral development of juveniles.

## Article 27

A media service provider shall protect the identity of a juvenile if there are indications that he or she is the offender, witness, or victim of violence, crime, or other illegal conduct, or has attempted suicide.

If there is a justified public interest in publishing an audio or audio-visual record of the commission of violence, crime or other illegal behaviour involving a juvenile, the media service provider may publish such record while complying with the obligation referred to in paragraph 1 hereof (e.g. blurred or masked image and modulated sound).

In the case referred to in paragraphs 1 and 2 hereof, the media service provider shall refrain from publishing data that directly reveal the identity of the juvenile (e.g. his or her name, the names of his or her parents or close relatives, address, etc.) and data which could indirectly indicate his or her identity, either separately or together with data already available to the public (e.g. school he or she attends, workplace, personal description of the juvenile, his or her picture or video, etc.).

The media service provider shall protect the identity of the juvenile even when this was not done by a public authority or other person, including another media publisher, whose release or statement it publishes or transmits in connection with the cases referred to in paragraphs 1 and 2 hereof.

## Budget System Law

Official Gazette of RS, nos. 54/2009, 73/2010, 101/2010, 101/2011, 93/2012, 62/2013, 63/2013, 108/2013, 142/2014, 68/2015, 103/2015, 99/2016, 113/2017, 95/2018, 31/2019 and 72/2019

## Article 27e

Beneficiaries of public funds may not recruit new staff for the purpose of filling vacant or vacated posts until December 31, 2020.

Notwithstanding paragraph 34 hereof, new staff may be recruited with the consent of the Government body, at the proposal of the competent ministry or other competent authority, with the previously obtained opinion of the Ministry.

The total number of employees with fixed-term employment contracts due to the increased volume of work, persons hired under service contracts, temporary and occasional work contracts, through youth and student employment agencies and persons hired on other grounds, with the beneficiaries of public funds, may not exceed 10% of the total number of employees.

Notwithstanding paragraph 36 hereof, the number of employees with fixed-term employment contracts due to the increased volume of work, persons hired under service contracts, temporary and occasional work contracts, through youth and student employment agencies and persons hired on other grounds, with the beneficiaries of public funds, may exceed 10% of the total number of employees, with the consent of the Government body, at the proposal of the competent ministry or other competent authority, with the previously obtained opinion of the Ministry.

The Government shall regulate in more detail the procedure for obtaining the consent referred to in paragraphs 35 and 37 hereof, by an enactment.

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"Punishments for sexual violence must be more severe because there might even be a justification for murder sometimes, but never for sexual violence."  
(A SPS student - NES)

"It is necessary to introduce the Educational Packs into the lessons."  
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"It's good that we talked this openly. One can learn many things like this".  
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**Thank you very much for your attention.**

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SETTING THE GOLD STANDARD  
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