

Prevention of Exploitation of Children in South East Europe

Child Begging in the Republic of Serbia

Protector of Citizens

Republic of Serbia
Autonomous Province of Vojvodina
PROVINCIAL OMBUDSMAN

Save the Children Norway

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PREVENTION OF EXPLOITATION OF CHILDREN IN SOUTH EAST EUROPE

CHILD BEGGING IN THE REPUBLIC OF SERBIA

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INTRODUCTION

The regional project *Prevention of Exploitation of Children in South East Europe* began in 2011 with the support of international organisation Save the Children Norway.

The project is an expression of the Ombudspersons institutions' commitment and engagement on building capacity and enhancing possibilities of exercising the child's rights in compliance with the UN Convention on the Rights of the Child, through promoting, networking and coordinating the regional systems for protecting children from all forms of abuse, neglect and violence against them, in particular children victims of exploitation and children at risk of becoming victims of exploitation.

The project focuses on researching the position of begging children, with the research conducted by the Ombudsperson institutions of the Republic of Serbia, the Autonomous Province of Vojvodina, the Republic of Montenegro and the Ombudsman for Children of the Republic of Srpska, in their countries or a part of their territories. Based on the analysis of collected and already available data and information about the position of begging children, the Ombudsperson institutions will establish priority issues in their conclusions, and then give recommendations pointing out to necessary reforms and practical steps that relevant state institutions should take, within their powers and competences, in order to suppress and prevent the occurrence of child begging. Civil society organisations will also have their role within the necessary reforms headed towards the comprehensive solution to the problem of child begging.

RESEARCH OF CHILD BEGGING IN THE REPUBLIC OF SERBIA

This report is the result of the research conducted in the Republic of Serbia with the aim of opening an issue of begging children from the aspect of the existing legal framework and protection measures provided for these children by competent authorities and institutions, including a very important role of civil society organisations.

Objectives and assumptions of the research

The research had the following objectives:

- to establish how the competent authorities, institutions and civil society organisations perceive and define the phenomenon of child begging and its causes;
- to find out the views and assessments of the competent authorities, organisations and institutions about the causes, extent, prevalence and consequences of child begging;
- to analyse the legal framework (national and international) and the legal status of the child engaged in begging;
- to obtain the information of how the authorities, institutions and organisations assess their competences with respect to begging children;
- to obtain information about the measures taken with respect to begging children and their efficiency;
- to obtain the suggestions of authorities, institutions and organisations for the improvement of prevention and suppression of child begging;
- to consider the ways of improving the cooperation among the public authorities, civil society organisations and experts, in order to ensure the systematic, inter-sectoral and multi-disciplinary approach in suppressing and preventing this phenomenon.

The following assumptions were taken into consideration in defining the research objectives and methodology:

- In the Republic of Serbia, there is no unified expert opinion regarding the definition of child begging.
- Child begging phenomenon has not been governed by the applicable regulations of the Republic of Serbia.
- The system has not recognised the status of the victim of exploitation, violence, abuse and neglect to the children engaged in begging.
- The causes of child begging are complex, but they have not been thoroughly examined in the Republic of Serbia.
- There are no records of begging children.
- There is no adequate cooperation among the competent authorities, institutions and organisations in the prevention of child begging.

- The undertaken measures are not systemic, holistic or efficient.

Research methodology

Being an implementing partner for the part of the project taking place in the Republic of Serbia, the Protector of Citizens, in partnership with the Centre for Youth Integration from Belgrade (hereinafter referred to as CYI),¹ carried out a research in the territory of the Republic of Serbia, excluding Kosovo and Metohija, in April and May 2011, while the Provincial Ombudsman, in partnership with the CYI, conducted a research in the territory of the Autonomous Province of Vojvodina in the same period.

The research followed two paths: the collection and analysis of the information obtained from the begging children, their parents and representatives of public authorities and civil society organisations and the analysis of the legal status of begging children according to the national regulations and the regulations of the Autonomous Province and local self-governments.

Both quantitative and qualitative approaches were applied in the process of data collection and analysis. Data collection techniques included surveys, group and individual interviews.

Three types of questionnaires were designed for surveying: for experts in social care institutions (social welfare centres and residential care institutions - hereinafter referred to as social protection institutions or SP), for experts in police departments and police stations (hereinafter referred to as police departments or PD) and for persons engaged in non-governmental organisations (NGO).

Two types of protocols for group interviews were designed: with children and parents, and the guidelines for individual interviews with experts at the national level.

The quantitative method of descriptive statistics and the qualitative analysis of answers to open-end questions were applied to a total of 182 questionnaires. The following number of authorities, institution and organisations answered the questionnaires: 91 social care institutions, 81 police departments and stations and 10 NGPs.²

Qualitative analysis was applied to the transcripts of six group interviews with the children engaged in begging (two in each city: Belgrade, Novi Sad and Niš), the transcripts of interviews with the parents of begging children and the transcripts of

¹ The Centre for Youth Integration from Belgrade is an association of citizens whose core activity is the provision of direct assistance to children at risk, focusing on the children who live and/or work on the street.

² In the territory of Serbia excluding the Autonomous Provinces: 44 police departments and stations, 49 social care institutions and 5 non-governmental organisations; in the territory of AP Vojvodina: 37 police departments and stations, 42 social care institutions and five non-governmental organisations.

six group interviews with the employees of public authorities, institutions and NGOs.³

The Protector of Citizens and CYI organised four group interviews (two in Belgrade and two in Niš) with the participation of representatives of the following authorities, institutions and organisations:

- **Social care institutions:** Social Welfare Centre of the City of Belgrade (Departments of New Belgrade, Čukarica and Palilula), Social Welfare Centre Niš, Centre for Protection of Infants, Children and Youth Belgrade, Institute for Education of Children and Youth – Shelter and Reception Centre Belgrade, Home for Children Duško Radović in Niš, Institute for Education of Children and Youth in Niš;
- **Police departments:** Police Department for the City of Belgrade, Police Department Niš;
- **Courts:** Higher Court in Belgrade, Basic Court in Niš;
- **Local self-government:** Office of the City Councillor for Social Protection Niš, Secretariat for Social Protection of the Belgrade City Administration, Administration for Children Protection, Social Protection and Primary Health Care Niš, Communal Police in Belgrade;
- **Independent bodies:** Niš Ombudsman;
- **Medical institutions:** Health Centre Palilula (Belgrade)
- **Educational institutions:** Primary School Branko Pešić Belgrade
- **Associations of citizens:** Child Rights Centre (Belgrade), Regional Centre for Minorities (Belgrade), Roma Child Centre (Belgrade), Children Assistance Centre (Niš), Society for Development of Children and Youth *Open Club* (Niš), Drop-in Centre for Street Involved Children in Belgrade.

The Provincial Ombudsman and the Centre for Youth Integration organised two group interviews in Novi Sad with the participation of representatives of the following authorities, institutions and organisations:

- **AP authorities:** Provincial Secretariat for Health, Social Policy and Demographic Affairs, Provincial Secretariat for Labour, Employment and Gender Equality, Provincial Institute for Social Protection, Office for Roma Inclusion of the Government of AP Vojvodina;
- **Social care institutions:** Social Welfare Centre in Novi Sad, Home for Children without Parental Care *Spomenak* in Pančevo, Home for Children and Youth in Bela Crkva, Home for Children with Developmental Challenges *Kolevka* in Subotica, SOS Children's Village *Dr Milan Pavlović* in Sremska Kamenica, Home for Children and Youth *Miroslav Mika Antić* in Sombor;
- **Police departments:** Police Department Novi Sad;

³ Qualitative and quantitative analysis was conducted by Smiljka Tomanović, PhD, a methodologist and full professor at the Faculty of Philosophy in Belgrade.

- **Courts:** Misdemeanour Court in Novi Sad, Misdemeanour Court in Zrenjanin;
- **Educational institutions:** School for Primary and Secondary Education *Milan Petrović* Novi Sad
- **Associations of citizens:** Drop-in Centre for Street Involved Children in Novi Sad, Humanitarian organisation Caritas, Roma Resource Centre of the Ecumenical Humanitarian Organisation, Day Care Centre for Street Involved Children EHO and Vojvodina Roma Centre for Democracy.

The individual interviews were conducted with the experts of the Ministry of Labour and Social Policy, the Ministry of Interior (Department for Public Order and Department for Combating Trafficking in Human Beings), the Republic Institute for Social Protection and the Citizens' Association Child Rights Centre from Belgrade.

The group interviews with children (a total of 13 children and 3 group interviews) took place in Belgrade in the premises of the Day Care Centre for Street Involved Children in New Belgrade and in Niš in the premises of the Drop-in Centre for Street Involved Children and the Home for Children *Duško Radović*. The interview with six parents was conducted in Belgrade in the informal settlement located near the residential complex Belvil. A total of 11 children participated in group and individual interviews in the Drop-in Centre for Street Involved Children in Novi Sad.

The results of combined analysis are presented in the report under the five topics representing the dimensions of the child begging phenomenon:

- I Definition
- II Extent and prevalence of the phenomenon and record-keeping
- III Causes (with risk factor identification)
- IV Implications and consequences
- V Competencies and powers of relevant institutions and organisations, prevention and safety measures they implement and their mutual cooperation, compatibility and coordination.

NOTION OF CHILD BEGGING

*It's awful to beg.
A child, Niš*

The way in which relevant public authorities and civil society organisations dealing with children perceive the phenomenon of child begging is particularly important and has a critical impact on the measures of prevention and protection they undertake in order to suppress this phenomenon.

The notion of child begging does not exist in the legislation of the Republic of Serbia since the regulations do not contain a uniform definition of the term *begging* and the phenomenon of child begging is not viewed separately from adult begging.

The regulations of the Republic of Serbia recognise begging as a form of misdemeanour (communal, disorderly conduct, etc.), as a goal of criminal offence (trafficking in human beings, neglect and abuse of a minor) and as a way of committing a prohibited act against other person (abuse of parental right). Child begging, unlike the general notion of begging, can be recognised only in the criminal offence qualified as *neglect and abuse of a minor*, where child begging is specified as one of possible goals of coercion by an adult.

The executive authorities lack a clear and unambiguous approach to the notion of child begging, while the public authorities and institutions dealing with children have significantly different views of this phenomenon: 15% of interviewed authorities that are delegated the powers to deal with children do not have any definition whatsoever of the begging phenomenon or their definition is rather vague; the majority of respondents (67%) define begging as way of acquiring material gain, whether it is a child who directly seeks or gets material gains by provoking pity (35%) or other person who uses (exploits) the child for that purpose (32%). (Graph 1)

Graph 1

Defining the notion of child begging by public authorities

No definition 15%

Other 10%

Acquiring material gain 67%

Among the answers of SP institutions, these two are most frequent: begging is the exploitation aimed at acquiring material gain (42%) and begging is the acquisition of material gain by provoking pity (30%). (Graph 2)

Graph 2

Definition of child begging

PD

SP

The phenomenon does not exist

Exploitation for acquiring material gain

Acquiring material gain by provoking pity

Seeking material benefit by children

It is defined by law

Other

No answer

The representatives of social protection institutions and police departments and stations have rather different views regarding child begging. The percentage of social care workers who have concluded that child begging implies the **acquisition of material gain by exploiting children** (42%) twice exceeds the percentage of law enforcement officers (21%) who have that opinion. The representatives of police forces are far more prone to perceiving the phenomenon of child begging as **seeking material benefit by children** (33%). (Graph 2)

A very small number of SP (1%) and PD (2%) representatives have answered that such phenomenon does not exist. (Graph 2)

With regard to specific actions and activities that constitute begging, the experts of authorities, institutions and organisations indicate that begging is performed in different ways and there is a wide range of various forms of child behaviour that may be considered begging. However, the experts have different views as to what activity actually constitutes begging. (Graph 3)

Graph 3

Activities that experts consider begging

PD

SP

NGO

Children ask for money from passers-by on the street

Adults with children ask for money from passers-by on the street

Children go from door to door

Children with adults sing in a public place

Children sell flowers or other items

Children clean car windows

The experts mainly agree that asking for money by a child or an adult with a child is begging. They also agree that asking for money is begging, regardless of whether it is systematic (repeated and organised) or random (occasional or rare, the so-called *sponging*).⁴

Nevertheless, the experts' views vary a lot more when it comes to the activities that involve certain services for received money: cleaning car windows, helping people park their cars⁵, singing in public places, selling flowers or other items, and even collecting secondary raw materials and selling them subsequently. The Graph 3 shows which types of activities are mainly considered to be begging by experts and public authorities.

The representative of an NGO defines begging as *behavioural disorder, noticeable mainly among the boys who beg near public buildings or from door to door*.

Children make difference between *labour* and *begging*. The children perceive cleaning car windows, selling flowers, helping people to park, collecting secondary raw materials (cardboard, paper, copper), singing and playing in public transportation vehicles or in public places as labour. On the other hand, the children do not perceive begging as labour, but something they do *just to get some money*⁶ and deem it as undesirable behaviour: *It's awful to beg. It's shameful*.⁷ The children are not involved only in begging, but also in *labour*, and they are able to compare their gain from begging and from *labour*:

- Interviewer: What brings the most money?
- Child: Copper. Copper is the most expensive.
- Child: Paper also brings money. We collect paper.
- Interviewer: Can you earn more at traffic lights or from selling paper?
- Child: From paper.⁸

However, some children point out that they are involved in such activities out of necessity and poverty.

I have never begged, you know, never in my life... I get 1000 dinars for 3-4 hours at traffic lights... I'm the oldest, you see. I don't touch the younger ones, nor do I chase them away: it's better for them to work than to steal. I don't beat them; I don't touch them... Let me tell you, bro, this what I do is a kind of stupid, understand? It is stupid. It's embarrassing. But when you don't have, you must do something.

⁴ Group interview with experts, Novi Sad

⁵ Children guard a parking place and lead a driver to it, for which they receive compensation in the amount that depends on the driver's will and mood.

⁶ Group interview with children in Belgrade

⁷ Group interview with children in Niš

⁸ Group interview with children in Novi Sad.

Experts have different views on whether it is necessary to introduce a legal definition of begging into relevant regulations. Most of them believe that the notion of begging should be defined in regulations as misdemeanour. However, there are also some argued opinions that the legal qualification of begging would additionally stigmatise the children who beg and reinforce the existing approach to the phenomenon of child begging, which criminalises the children involved in begging and their parents, without attempting to establish and eliminate the causes of child begging: *You can't expect parents to bear the burden of responsibility alone... I doubt that misdemeanour legislation and imposing begging penalties are the only solutions.*⁹

If begging is treated as a form of child abuse and neglect, then no legal definition of it is required: the crucial fact is that a child is exposed to maltreatment and neglect, i.e. unwanted and detrimental influences (cold weather, staying on the street, lack of education, risks of violence and injury, lack of supervision by a responsible adult, etc.), whereas the particular activity pursued by a child is less relevant (begging, labour).¹⁰ A series of factors influence the maintenance of this phenomenon: cultural patterns of a group, transgenerational transfer of behaviour model, different system of values, etc.¹¹

⁹ Group interview with experts, Belgrade

¹⁰ Group interview with experts, Belgrade

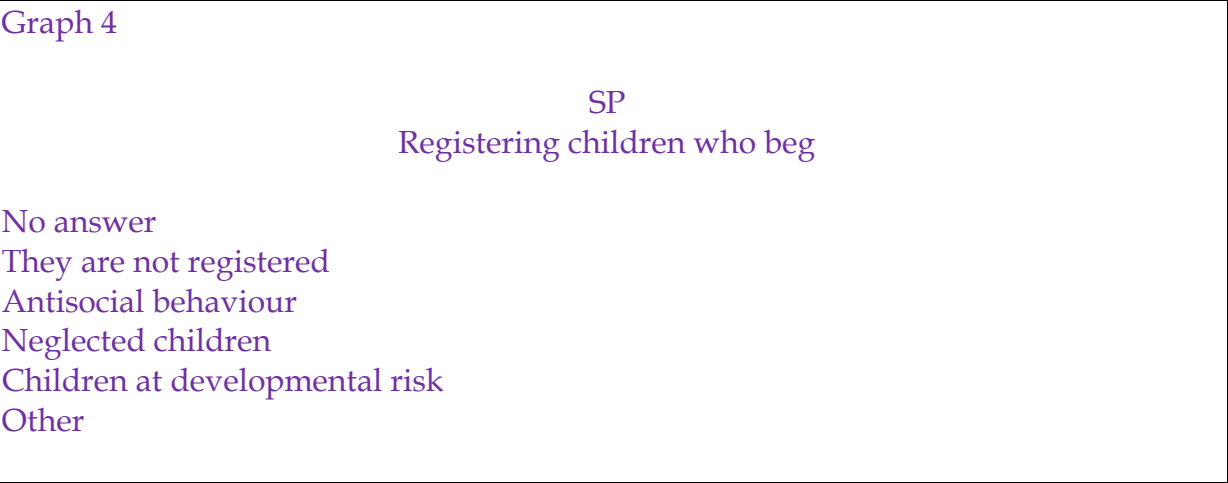
¹¹ Group interview with experts, Belgrade

PREVALENCE AND CHARACTERISTICS OF CHILD BEGGING IN SERBIA

Interviewer: Are there many children who beg?
Child: Yes, yes, there are many of them.
Niš

The data of competent institutions and civil society organisations about the prevalence and incidence of child begging, as well as appropriate and comprehensive register of child begging cases constitute prerequisites for getting a realistic perception of child begging issue.

Social protection institutions do not have a special category of child begging (or begging in general) in their records. Hence, begging children are not registered in most cases. In a smaller number of social protection institutions, begging children are registered under the existing categories of children at risk: antisocial behaviour, neglected children, children at developmental risk, other. (Graph 4)



The additional reason for the lack of records is the fact that these children are often “legally invisible”, which means that they are not registered into birth registry books and do not have any documentation that would confirm their identity.

The lack of clear definition of the phenomenon of child begging (different authorities, and even the individual experts in one authority, define child begging in different ways) renders the record-keeping on child begging even more difficult. Child begging is an integral part of child “labour” and child exploitation and overlaps with them.

Some institutions for accommodation of beneficiaries, primarily shelters and reception centres, have their “internal” records, including the registers of begging children who were placed in the institution.

Given the lack of records, social protection institutions obtain data about the number of begging children indirectly: through contacts with other authorities and institutions, information from citizens, from begging children and their parents and relatives. (Graph 5)

Graph 5

How does SP obtain the information about begging children?

No information

From citizens

From schools

From the beneficiaries' relatives

From the media

From the experts in the field

From the beneficiaries themselves

From other institutions

By using all the aforementioned sources of information, 35 social protection institutions established that 225 children were involved in begging in 2010.

The estimates of social protection institutions depend also on the type of institution: the institutions that receive begging children have data about a higher number of these children (30% of all beneficiaries¹²); the information from the Primary School *Branko Pešić* in Belgrade, which has often admitted pupils from marginalised social groups, indicate that between 50% and 60% of their children have been involved in begging.¹³

As many as 91% of police departments and stations fail to provide an answer as to how the child beggars are registered, while in cases where data on the total number of filed begging and vagrancy misdemeanour charges¹⁴ were available, it was impossible to analyse them in regard to the age structure of offenders due to the organisation of police records and registers.

On the other hand, some police departments/stations keep records, for their own needs, on children found begging: *In this way we monitor the situation, whether there are new ones, what the situation is, we monitor entire families, numbers of their members...*¹⁵

Other authorities, primarily the communal police whose task is to prevent begging in public places¹⁶, do not have data on the number of children involved in begging in the territory of their cities and municipalities.

¹² The information provided by the experts of the Institute for Education of Children and Youth in Belgrade

¹³ Group interview with experts, Belgrade

¹⁴ 827 in 2009, 625 in 2010, 160 in the period January-April 2011. The data obtained during the individual interview with an MoI representative.

¹⁵ Group interview with experts, Niš

The registration of children beggars is hindered also by the fact that children often beg in the places other than their places of registered permanent residence (if their permanent residence has been registered at all). Experts observe that begging children tend to gravitate towards bigger cities and regional hubs, such as Belgrade, Novi Sad and Niš. They also move towards tourist centres (Zlatibor and beyond the borders of Serbia, towards Montenegro, for example), depending on the tourist season.

While the experts of social protection institutions conclude that the majority of children engage in begging in their respective places of residence (the data from these institutions pertain to their beneficiaries who are included in their records in line with their territorial competence according to the beneficiary's place of residence), the police point to migrations and begging out of poverty.

I work in the department that deals with the suppression of begging and vagrancy and other things. The exact number of street involved children cannot be established. Why? One of the reasons is a migration of population. For example, at the time of Universiade, families from other towns used to come to earn some money, to have the means of subsistence. They have to provide for their families....¹⁷

The analysis of data on 110 children, obtained from the social protection institutions, shows that boys are more engaged in begging than girls – boys account for 69% of child beggars, whereas girls account for 31%. (Graph 6)

Graph 6

Sex of child beggars

Girls
Boys

Also, half of these children are between 10 and 14 years of age. However, 1- to 10-year-old children account for no less than 45% of children engaged in begging. (Graphs 7 and 8)

Graph 7

Age of children engaged in begging

Age – in years
Up to 1

¹⁶ Article 6 of the Decision on Communal Police, *Official Journal of the City of Belgrade*, no. 6/2010. Other cities (Kraljevo, Požarevac, etc.) have issued their decisions of same or similar content.

¹⁷ Group interview with experts, Belgrade

2 years of age
 3 years of age
 4 years of age
 5 years of age
 6 years of age
 7 years of age
 8 years of age
 9 years of age
 10 years of age
 11 years of age
 12 years of age
 13 years of age
 14 years of age
 15 years of age
 16 years of age

Graph 8

Percentage of child beggars by age groups

1-5 years of age
 6-9 years of age
 10-14 years of age
 15-16 years of age

The NGOs dealing directly with “street children” and children beggars, such as drop-in centres, keep more accurate records about their beneficiaries and their data indicate that 70% of them are engaged (also) in begging. The records of drop-in centres also reveal that two-thirds of begging children are children of male sex.

It should be taken into account that the said organisations provide their services to street involved children and children who beg according to the principle of children’s voluntary and self-initiated approach, and that younger children are usually accompanied by an adult and hence not able to address these organisations and seek help.

Other NGOs, which do not keep records of begging children, have less direct and indirect information about the number of children who beg, and they state that between 250 and 300 children are engaged in begging in the territory of Belgrade, 20 children in Subotica, between 15 and 20 in Kikinda, about 60 in the territory of Bečej Municipality and 30 in the territory of Ada Municipality.

The statements of children confirm the information that mainly younger children are engaged in begging:

- Interviewer: *At what age did you start begging?*

*Children: At 10.*¹⁸

- *They beg mostly at the age from 9 to 12.*¹⁹

- *...but because we're big and they won't give us any money at traffic lights and on the streets, they give it only to small children.*²⁰

¹⁸ Group interview with children, Belgrade

¹⁹ Group interview with parents, Belgrade

²⁰ Group interview with children, Novi Sad

CAUSES OF CHILD BEGGING AND RISK FACTORS

*It was six year ago, I was 6 and
we did not have any money at home.
A child, Belgrade*

There is a significant agreement among the experts from competent authorities, institutions and civil society organisations on the assessment of prevailing risk factors of child begging. According to public authorities, institutions and civil society organisations, the main risk factors (accounting for 74% of all risk factors) are Roma ethnicity (42%) and forcing of a child to beg by an organised group (32%).

The representatives of police and social protection institutions have almost the same opinion about the most important and strongest risk factors being Roma ethnicity and forcing children to beg, while the impact of poverty (7%), belonging to a group of street children (8%) and lack of parental care (4%) are much lower on the scale of risk factors. (Graph 9)

Graph 9

How do experts assess the risk factors of child begging?

PD

SP

Total

No answer

Lack of parental/guardian care

Addiction to psychoactive substances

Exposure to violence

Forcing of a child to beg by organised groups

Poverty

Abandoning regular education

Residing in Serbia illegally

Belonging to Roma population

Belonging to a group of street children

Non-governmental organisations also believe that belonging to Roma population and forcing of a child to beg by organised groups are the most important risk factors, which are followed by belonging to a group of street children, addiction to psychoactive substances and poverty.

Representatives of organisations and institutions having direct contacts with child beggars, based on their own experience, conclude that even 90% of child beggars are victims of exploitation and that they are forced or induced to beg by (in most cases)

their families.²¹ Some civil society organisations dealing with children beggars witness the development of the feeling of responsibility in children for their own and their families' livelihood, which eventually becomes the main driving factor for begging and "working".

The perception of risk factors by police officers differs from the perception of other experts, both those from public authorities and NGOs. According to the police, the risk of belonging to Roma population has by far the strongest impact on the incidence of child begging. The social protection experts believe that force and belonging to Roma ethnic community have almost equal impact.

Poverty is considered to be an additional risk factor for the incidence of child begging; poverty is not the main cause but if it accompanies the basic factors, it will significantly contribute to the beginning of begging by children. This opinion of experts differs a lot from the information received from the children who beg. They say that poverty is the main reason to start begging but it also contributes to repeating and reinforcing this behaviour. Begging is not a desirable activity for these children, but *"when you have nothing, you have to do something"*.²²

- *We did not have money for food and we went to a parking lot...*²³;
- *...when I want to buy something for myself or to get 100 dinars for my brother who goes to school*²⁴;
- *I don't go often. Only when I have to go to school and my father does not have any money to give me, I go and earn some 100 or 200 dinars*²⁵;
- *Our children beg out of poverty*²⁶;
- *But children have to beg when they don't have any food. What should they do when they get up in the morning and have nothing to eat?*²⁷

Begging is a way in which children obtain money for themselves and their needs...

- *to buy some sweets;*
- *for the game room;*²⁸

... but also for their families:

- *I give to my mother for my sister, for milk and bread. Sometimes, when we don't have anything, I go out and find money*²⁹;
- *I also buy necessary food and drink for my mom and keep the rest for myself*³⁰;
- *I give money to my parents when they don't have any, I know when they don't*³¹.

²¹ Group interview with experts, Belgrade, Novi Sad

²² Group interview with children, Niš

²³ Group interview with children, Belgrade

²⁴ Group interview with children, Belgrade

²⁵ Group interview with children, Belgrade

²⁶ Group interview with parents, Belgrade

²⁷ Group interview with parents, Belgrade

²⁸ Group interview with children, Novi Sad

²⁹ Group interview with children, Belgrade

³⁰ Group interview with children, Novi Sad

However, the children indicate one more factor, which may not initiate the process of begging, but is very important for its continuation. It is the fact that children acquire certain autonomy by begging and “working” and thus satisfy some of their needs:

- *If I need money to buy some sweets or go to a game room, I...get it by begging...;*
- *I usually use all money for my own needs. We buy juice, snacks, go to game rooms...³²*

Thus, stopping to beg and “work” for children can mean not only the inability to meet their needs in the way and to the extent they used to, but also the loss of independence they had in using the “earned” money or at least a part of it. The experts from the institutions in which the children were placed confirm the fact that it is difficult for children to stop begging: *It is very interesting that children previously engaged in begging continue to beg even after they have been placed in a social care institution (...) These are the children who have clothes, food, place to sleep, hygiene items, pocket money, but we have no way to wean them off begging.*³³ However, the views expressed by the interviewed children, more or less openly, suggest that “working” and begging is not their long-term choice:

- *Child: I have to finish school. I like going to school.*
- *Child: Me too, I like school very much.*
- *I would like to be a police officer.*
- *A car mechanic.*
- *I would like to be a hairdresser, for that I need to go to school, to a course, to complete all school and then to take an exam.*³⁴

The views of the begging child’s family and the state’s approach towards child begging are, according to experts, important factors that induce child begging. The families are *unaware, socially neglected, do not value education*, and the model of such behaviour is transferred from one generation to another. *Parents are in a vicious circle of lack of education and poverty. Over 70% of them have not completed primary school and I think that about 40% of them have never been enrolled in school... they do not have documents, they do not have an occupation....*³⁵

On the other hand, the state *“has neglected the prevention and protection regarding this issue”, “the systems are not connected, institutions do not have sufficient capacity”,* and the system of social protection is *“inflexible, bureaucratically rigid and treats beneficiaries with hostility”.*³⁶ The children who beg and their families face with the impossibility of obtaining documents and registering children into birth registry books, and

³¹ Group interview with children, Niš

³² Group interview with children, Novi Sad

³³ Group interview with experts, Novi Sad

³⁴ Group interview with children, Belgrade

³⁵ Group interview with experts, Niš

³⁶ Group interview with experts, Belgrade

consequentially, the impossibility of exercising the rights to health care and social protection.

The parents in the least agree with the begging of their children:

- Interviewer: *And what do your parents say about begging?*
- Children (in a chorus): *Nothing, what could they say;*³⁷
- *When my mother sees me, she starts crying. She says: I don't send you to beg, my child, but when you see that we don't have any money, you go by yourself;*³⁸
- *All children that can walk go out to the street to beg;*³⁹
- *When he asks for money and I don't have any to give him, he goes out to beg...*⁴⁰
- *But children have to beg when they lack food. What should they do when they get up in the morning and have nothing to eat?*⁴¹

The children's statements suggest that the parents themselves suggest them to "work" or beg:

- *They say: Son, we don't have any money, go out and work;*⁴²
- *...and his parents send him to do that!*⁴³
- *My mother told me to go with my elder sister's son to the parking lot to beg.*⁴⁴

There are also testimonies about parental forcing and exploitation of children:

- *... he is sitting here the whole day, drinking from the bottle and waiting for money;*⁴⁵
- Interviewer: *Has your mom pushed you to beg?*
Child: *Well, yes, she used to beat me because of that;*⁴⁶
- *Well, their parents come and take money from them;*⁴⁷
- Child: *They work the whole day long, get 20 euros and have to give everything to their parents. Perhaps they hide some of it, if they want to buy something for themselves.*
- Interviewer: *Do they mistreat them if they bring 500 dinars?*
Child: *Well, no, but they tell them to get that much again because it's not enough.*⁴⁸

³⁷ Group interview with children, Novi Sad

³⁸ Group interview with children, Belgrade

³⁹ Group interview with parents, Belgrade

⁴⁰ Group interview with parents, Belgrade

⁴¹ Group interview with parents, Belgrade

⁴² Group interview with children, Belgrade

⁴³ Group interview with children, Belgrade

⁴⁴ Group interview with children, Novi Sad

⁴⁵ Group interview with parents, Belgrade

⁴⁶ Group interview with children, Niš

⁴⁷ Group interview with children, Niš

⁴⁸ Group interview with children, Niš

The beginning of begging is often linked to the child's immediate environment: a child learns to beg from their brothers, sisters and peers, and gets support for begging by the family, peer and kinship groups:

- *It was six years ago, I was 6 and we didn't have any money at home. I saw from a friend of mine how to do it;*⁴⁹
- *...a friend picked me up and invited me to go to the street to do that and I agreed because I didn't know what it was;*⁵⁰
- *There were these friends of mine who told me they had money, then I tried and parked a car;*⁵¹
- *My sister used to beg, I have learned from her;*⁵²
- *I told her: If your children go to beg, they must not drag my children into that.*⁵³

⁴⁹ Group interview with children, Belgrade

⁵⁰ Group interview with children, Novi Sad

⁵¹ Group interview with children, Novi Sad

⁵² Group interview with children, Novi Sad

⁵³ Group interview with parents, Belgrade

CONSEQUENCES OF CHILD BEGGING

It happened to me that a man has beaten
me up because I asked for money.
A child, Novi Sad

The most visible consequence of child begging is related to vulnerability of their life and health. This is mentioned by children, parents and representatives of authorities, institutions and non-governmental organisations. The children are permanently at risk due to staying on the street for a long time and being exposed to different weather conditions (without proper clothing or protection from rain, wind, extreme heat in the summer and extreme cold in the winter, etc.)...

- *If a child is 10 years old and the outdoor temperature is 10 below zero, it is simply a child at risk;*⁵⁴

... or at risk from being injured in road traffic...

- *So many times we had cases of running over a beggar at traffic lights because they are not easily visible;*⁵⁵
- *I was begging at traffic lights and a drunk man driving a car ran over my foot;*⁵⁶
- *My son was hit by a car at traffic lights;*⁵⁷
- *Sometimes there is shooting and we hide;*⁵⁸

... or at risk of violence:

- *One man called me from his car and told me he would give me money, but when I approached, he sprayed my eyes;*
- *It happened to me that a man beat me up for asking him money;*⁵⁹
- *There are also those raging people who don't like the Roma.*⁶⁰

There are also data on the stamping and maiming of children for organised begging.⁶¹

These are not the only consequences: child begging is related to child prostitution...

- *Most children who beg on the street are also involved in prostitution...There are prostitutes as young as 14...but let's make it clear – both boys and girls;*⁶²

⁵⁴ Group interview with experts, Belgrade

⁵⁵ Group interview with experts, Novi Sad

⁵⁶ Group interview with children, Novi Sad

⁵⁷ Group interview with parents, Belgrade

⁵⁸ Group interview with children, Novi Sad

⁵⁹ Group interview with children, Belgrade

⁶⁰ Group interview with children, Belgrade

⁶¹ Group interview with experts, Novi Sad

⁶² Group interview with experts, Belgrade

...use of psychoactive substances...

- *...they use drugs, beginning with glue...*⁶³
- *...we beg when we want to, when we don't have money, for glue...*⁶⁴

... and engaging children in criminal offences:

- *Children from certain age beg, clean car windows...and later on, they commit criminal offences;*⁶⁵
- *We have many examples of children who get dragged into being drug dealers, they are suitable, they become addicts and it is a good way for them to get some minimum resources.*⁶⁶

Children who beg remain deprived of the period of childhood, because from an early age they are given a significant share of responsibilities for their own and the existence of their closest relatives.

A particular risk to children who beg is to become victims of trafficking in human beings. Experts point to the mobility of the children who beg, especially towards the tourist centres in and outside of the Republic of Serbia (the experts mention Zlatibor and Montenegro as well as the increased number of children who beg in Belgrade during the attractive and visited events, such as the Universiade in 2009). As the Law on State Border Protection⁶⁷ does not contain specific provisions on how a child crosses the border, there is no impediment to the child who begs with a valid travel document, alone or accompanied by the person who is not his/her parent, guardian or legal representative, to cross the border and leave or enter the territory of the Republic of Serbia.

The begging children themselves are aware of such risks:

- *Someone can steal me at traffic lights;*⁶⁸
- *A man from an Audi with darkened windows asked me where I lived and whether I wanted to work for him. I told him that I would never even consider it. He said that I would have better life, but already at that time I knew that they were stealing children, cutting them and selling their kidneys. He came out of the car to run after me but a cop came.*⁶⁹

⁶³ Group interview with experts, Belgrade

⁶⁴ Group interview with children, Novi Sad

⁶⁵ Group interview with experts, Belgrade

⁶⁶ Group interview with experts, Belgrade

⁶⁷ *Official Gazette of RS*, no. 97/08

⁶⁸ Group interview with children, Belgrade

⁶⁹ Group interview with children, Novi Sad

LEGAL POSITION OF BEGGING CHILDREN IN THE REPUBLIC OF SERBIA

My mom receives social assistance
and that's why she is afraid I will be caught
because they would never let me go.
A child, Belgrade

According to the national legislation, a begging child may be in the position of:

- 1) Misdemeanour offender
- 2) Victim
 - a) of criminal offence (injured party) and
 - b) of abuse and neglect
- 3) Person in social need.

The term “child” in this report denotes a person under the age of 18.

Begging child as misdemeanour offender

Substantive law

The Law on Public Peace and Order⁷⁰ introduced the “minor’s rights to protection”⁷¹ as an element of public peace and order. The term “minor” is used in the Law but its meaning is not defined. According to the Criminal Code, a minor is a person “over fourteen years of age but who has not attained eighteen years of age”.⁷²

The provisions of the aforementioned Law define begging as misdemeanour – threatening the tranquillity of citizens and disturbing public peace and order (*Whoever by begging... threatens the tranquillity of citizens or disturbs public peace and order*⁷³) and prescribe the liability of the parents or a guardian of the child who commits a misdemeanour referred to in this Law (and a misdemeanour of begging), if the child has committed this offence as a result of failed supervision despite the fact that the parent/ guardian was able to supervise the child.⁷⁴

In addition to begging, the Law on Public Peace and Order penalizes “vagrancy”⁷⁵, without defining the term. The comparative legal literature indicates that these two terms have been closely linked (for example, the term “vagrancy” in the Vagrancy⁷⁶ Act of the Republic of Ireland includes “begging”). The regulations of the Republic of Serbia recognise vagrancy and begging as two forms of socially undesirable acts (either punishable or as behaviour of people in state of social need). The texts of laws

⁷⁰ *Official Gazette of RS*, nos. 51/92, 53/93, 67/93, 48/94, 101/2005 – state law and 85/2005 – state law.

⁷¹ Article 1 of the Law on Public Peace and Order

⁷² Article 112 of the Criminal Code

⁷³ Article 12 of the Law on Public Peace and Order

⁷⁴ Article 20 of the Law on Public Peace and Order

⁷⁵ Article 12 of the Law on Public Peace and Order

⁷⁶ http://www.lawreform.ie/_fileupload/Reports/rVagrancy.htm

and by-laws often link these two terms (the phrase *begging and vagrancy* is frequently used), defining them as acts that require the same type of response from the society and state (either repressive or protective).

Begging is defined as misdemeanour also in a series of by-laws: by-laws governing traffic matters⁷⁷, decisions of local self-government units on public line transportation⁷⁸, decisions of local self-government units on cemeteries and burials⁷⁹, etc.

Procedural law and actions of competent authorities

- Notion of child

The Criminal Code⁸⁰ refers to a child by using three legal terms: *a juvenile* is a child who has not attained eighteen years of age; *a child* is a person under fourteen years of age; *a minor* is a person over fourteen years of age but who has not attained eighteen years of age, whereas the latter group of children (minors) is divided by their age to *younger minors* – children aged 14 – 16 and *older minors* – children aged 16 – 18. The same classification of children and the same legal terms are used in the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles.⁸¹ The Law on Misdemeanours⁸² uses the terms *child*, *minor* and *juvenile*, but does not define them. Since this Law envisages the application of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, its provisions defining the terms *child*, *minor* and *juvenile* apply also to the Law on Misdemeanours. The terms *child*, *minor* and *juvenile* are used without legal definition also in the Law on Police, the Rulebook on Policing and the Rulebook on Police Powers. The Instructions on Police Treatment of Minors and Young Adults defines these terms in the same way as the Criminal Code and the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles.

- Police competences and police powers

Pursuant to the Law on Police⁸³, police work includes maintaining public order and preventing, detecting and solving misdemeanours. The use of some police powers is modified in cases of applying them against children (*minors, juveniles, children*).

Police powers can be applied against children only by authorised officers who have undergone special training, and only exceptionally by “other authorised officers if specially trained officers are unable to act due to the specific circumstances of the

⁷⁷ Rulebook on internal order in railway traffic (*Official Journal of FRY*, no. 16/2000 and *Official Journal of SaM*, no. 1/2003 – Constitutional Charter)

⁷⁸ Decision on public line transportation for passengers in the territory of the City of Belgrade (*Official Journal of the City of Belgrade*, nos. 61/2009 and 10/2011)

⁷⁹ For example, Decision on cemeteries and burials issued by the City Assembly of Kruševac (*Official Journal of the City of Kruševac*, nos. 1/2009 and 2/2009)

⁸⁰ *Official Gazette of RS*, nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009

⁸¹ *Official Gazette of RS*, no.85/05

⁸² *Official Gazette of RS*, nos. 101/2005, 116/2008 and 111/2009

⁸³ *Official Gazette of RS*, nos. 101/2005 and 63/2009 – CC decision

case". Police powers against a minor shall be applied in the presence of a parent or guardian or, if parents/guardians are unavailable, in the presence of a representative of the guardianship authority. The exception to this rule is the existence of "special circumstances or urgency of action". In addition, the presence of a representative of the guardianship authority may be required even in cases where parents/guardians are available, but their "presence would be detrimental to the minor, in cases of domestic violence or similar, or when parental presence causes a serious disturbance likely to interfere with police work". If it is not possible to ensure the presence of either parent/guardian or representative of the guardianship authority, police powers shall be applied against a child in the presence of "other legally capable person experienced in working with minors, who is neither a members of the police nor involved in the case".⁸⁴

A police baton and restraints may not be used against persons under 14 years of age⁸⁵. The use of firearms against minors is prohibited, except as the only possible defence from a direct attack or danger.⁸⁶

From the aspect of begging children, it is very important how the police power of transporting persons has been regulated. A person is transported on the basis of a written court order or an order based on the conclusion on transporting issued in an administrative procedure.⁸⁷ In exceptional cases, a person may be transported without a written order if the person's identity is to be determined, if a warrant has been issued for the person or if the conditions for detaining a person have been met. These provisions apply to all persons, regardless of their age, given that the Law on Police does not contain provisions on applying this police power against children. The Rulebook on Police Powers prescribes that "when transporting minors, police officers shall wear civilian clothes instead of uniforms and shall use unmarked official vehicles, except as provided in those cases where a written order to transport is not required."⁸⁸

Police officers request (collect) information from a child "in the presence of a parent, adoptive parent or guardian". Information is collected by a police officer who has acquired special knowledge in the field of child rights and juvenile delinquency.⁸⁹

Detention is a police activity of restricting freedom and movement of persons, on the basis of a decision issued by the police, and it has two forms: an activity in preliminary criminal investigation procedure regulated by the Criminal Procedure Code⁹⁰ and a police power regulated by the Law on Police:

⁸⁴ Article 38 of the Law on Police

⁸⁵ Articles 89 and 90 of the Law on Police

⁸⁶ Article 107 of the Law on Police

⁸⁷ Article 49 of the Law on Police

⁸⁸ Article 25 of the Rulebook

⁸⁹ Article 60 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles

⁹⁰ *Official Journal of FRY*, nos. 70/01, 68/02, *Official Gazette of RS*, nos. 58/04, 85/05 – state law, 85/05, 115/05, 49/07, 20/09 – state law, 72/09, 76/10

- The first case refers to detention when all conditions for determining pre-trial detention are fulfilled⁹¹. Detention of a child (minor) is prohibited by the provisions of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles.⁹²
- The second case refers to the police power of detaining persons who “is disturbing or endangering public order if it is not possible to establish public order or eliminate danger otherwise.”⁹³ Such detention may last up to 24 hours, on the basis of police decision. Neither the Law on Police nor the Rulebook on Police Powers regulates the position of the child in using this police power.

The following police powers applied against children are not particularly regulated by laws or by-laws:

- warnings and orders;
- checking and establishing the identity of persons and objects;
- temporary seizure of objects;
- stopping and searching persons;
- use of enforcement measures;
- collecting, processing and using personal data;
- inspecting persons (this police power is applied in a way that a police officer “touches the surface of person’s clothes” – Article 49 of the Rulebook on Police Powers)

Police officers must treat begging children in accordance with the *Instructions on Police Treatment of Minors and Young Adults*⁹⁴, which provide police officers with the guidelines on how to treat children offenders and children victims. Police officers are obliged to work in the premises adapted to children’s needs⁹⁵, acting “considerately and taking care about the juvenile’s maturity, other personal traits and protection of his/her privacy, in order to avoid that the undertaken measures and actions have any adverse impact on his/her development”.⁹⁶ Police officers shall act “most urgently...while respecting the principles of legality, professionalism, humanity and complying with international norms and standards, in particular those contained in the UN Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms”.⁹⁷ If a child is under 14 years of age, he/she will be handled by “authorised officers who have acquired special knowledge in the field of the child rights, juvenile delinquency and criminal protection of juveniles”.⁹⁸

⁹¹ Article 229 in connection with Article 226 and 227 of the Criminal Procedure Code

⁹² Article 61 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles

⁹³ Article 53 of the Law on Police

⁹⁴ <http://www.mup.gov.rs/domino/mup.nsf/zakoni>

⁹⁵ Point 3 of the Instructions

⁹⁶ Point 4 of the Instructions

⁹⁷ Point 5 of the Instructions

⁹⁸ Point 7 of the Instructions

In cases where a police officer finds a child under the age of 14 committing a criminal offence or misdemeanour, he/she is obliged to stop the child in doing such an act, carry out an external search, seize temporarily the objects of criminal offence, misdemeanour or means intended for committing them...".⁹⁹ The child may be brought to the official premises "in order to establish his/her identity and collect information about the parents, adoptive parent or guardian, or to establish of whose beneficiary the child is, whereas these activities must be performed with particular urgency".¹⁰⁰ It is not allowed to use any means of coercion against the child, "unless the child directly threatens his/her own life, the life of authorised officer or other person".¹⁰¹

With respect to the child over the age of 14, the Instructions regulate that the following measures may be taken, among other things:

- forced transporting in case the child over the age of 14 fails to answer to summons, if the summons contained a warning thereof;¹⁰²
- deprivation of liberty, along with an obligatory notification of competent public prosecutor for juveniles, judge for juveniles and parent/guardian;¹⁰³
- submitting a request for initiating a regular misdemeanour procedure and notifying the guardianship authority thereof;¹⁰⁴
- applying measures of coercion in exceptional cases;¹⁰⁵

If a police officer find a child in committing a criminal offence or misdemeanour and that child is a "beneficiary of the Juvenile Detention Facility in Kruševac or a person sentenced to juvenile prison from the Correctional Penitentiary Institution in Valjevo (during a leave or escape), or a child placed in a residential institution, the police officer may handle that child only with respect to the facts and circumstances related to the aforementioned criminal offence or misdemeanour, after which the police officers authorised to work with children and juveniles shall be informed and continue with activities."¹⁰⁶

The Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles establishes the obligation of police officers to acquire special knowledge and get professional education in the field of the rights of the child, juvenile delinquency and criminal protection of juveniles.¹⁰⁷ Only police officers who have acquired special knowledge in this field are allowed to work with children.¹⁰⁸

⁹⁹ Point 8 of the Instructions

¹⁰⁰ Point 9 of the Instructions

¹⁰¹ Point 10 of the Instructions

¹⁰² Point 15 of the Instructions

¹⁰³ Points 15 and 27 of the Instructions

¹⁰⁴ Point 15 of the Instructions

¹⁰⁵ Points 15 and 26 of the Instructions

¹⁰⁶ Point 19 of the Instructions

¹⁰⁷ Article 165 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles

¹⁰⁸ Point 7 of the Instructions on Police Treatment of Minors and Young Adults

The use of most police powers with respect to children is not particularly regulated. The exception that “when transporting minors, police officers shall wear civilian clothes instead of uniforms and shall use unmarked official vehicles, except as provided in those cases where a written order to transport is not required” will become a rule in child begging cases because these children usually do not possess identification documents. Detaining a child over 14 years of age who “is disturbing or endangering public order if it is not possible to establish public order or eliminate danger otherwise” is carried out on the basis of discretionary power of police officers.

- *Competences and powers of communal police*

The organisation of communal services falls within the authentic competence of local self-government units, and the Law on Communal Police¹⁰⁹ authorises the City of Belgrade and other cities to establish communal police. According to the provisions of that Law, the City of Belgrade and some other cities in Serbia issued decisions specifying the competences and powers of communal police. In most cases, the cities penalize begging. The decision on communal police, issued by the City of Belgrade¹¹⁰, establishes that the competence of communal police is “direct maintenance of communal and other legally prescribed order of importance for communal activities, in particular...prevention of begging in public places”.¹¹¹

In performing their duties, the communal police have the following powers: warning, verbal order, inspecting persons and objects, temporary seizure of items, video-surveillance and use of enforcement measures: physical force, police baton or restraints. In addition, communal police officers are authorised to submit requests for initiating a misdemeanour procedure.¹¹²

The communal police use their powers “under conditions and in the manner established by the Law on Police and corresponding by-laws regulating police powers and ways of performing police duties”.¹¹³ The powers of communal police have been regulated in the same way in the City of Belgrade and most of other cities that issued their decisions on communal police.

Given that the competences of communal police include the prevention of begging in public places and in the absence of separate provisions on treating children, the powers of communal police may be freely used on begging children, while respecting the regulations on police powers. Taking into consideration that these regulations do not set any restrictions for using the following powers:

- warning
- verbal order

¹⁰⁹ *Official Gazette of RS, no. 51/2009*

¹¹⁰ *Official Journal of the City of Belgrade, 6/2010*

¹¹¹ Article 6 of the Decision

¹¹² Article 16 of the Law on Communal Police

¹¹³ Article 25 of the Law on Communal Police

- identity checking
- inspecting persons and objects
- temporary seizure of items
- video-surveillance
- enforcement.

These powers may be used on children in the same way and in the same form as on adults. The regulations on police powers prescribe certain restrictions with respect to transporting, use of police baton and restraints by communal police.

The regulations on competences, powers and actions of communal police do not contain provisions on special training for communal police officers on how to treat children.

- *Misdemeanour procedure*

The Law on Misdemeanour provides that a child under the age of 14 does not have a misdemeanour liability. Special chapters of the Law on Misdemeanour apply to children over 14, while other provisions of the Law apply only if they do not contravene the said chapters. The appropriate provisions of the Criminal Procedure Code and the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles are used in the misdemeanour procedure.

In case where a child under 14 is begging, the parent or guardian has a misdemeanour liability if the committed misdemeanour is the result of failure to exercise due supervision by the parent, adoptive parent or guardian, if these persons were in a position to exercise such supervision”, In that case, the child’s parent, adoptive parent or guardian shall be punished for the misdemeanour as if they committed it themselves.¹¹⁴ The misdemeanour procedure against the child is discontinued, and the court notifies the child’s parent, adoptive parent or guardian and guardianship authority. The court may also decide to notify the child’s school or institution in which the child is placed about the misdemeanour that has been committed.¹¹⁵

Based on the provision of the Law on Police, a misdemeanour procedure against the child who begs, and who is over 14 years of age, does not have to be initiated when the court deems it inexpedient due to its nature and circumstances under which it has been committed, the minor’s previous life and personal characteristics.¹¹⁶ The appropriate application of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles provides for another option of avoiding a misdemeanour procedure against the child: discontinuing the procedure and issuing a diversion order.¹¹⁷

¹¹⁴ Article 64 of the Law on Misdemeanour

¹¹⁵ Article 278 of the Law on Misdemeanour

¹¹⁶ Article 276 of the Law on Police

¹¹⁷ Article 71 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles

If the misdemeanour procedure is instigated against the child who begs, the misdemeanour court shall apply special provisions of the Law on Misdemeanour and relevant provisions of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles.

Only educational measures (measures of warning and guidance – court admonition and special duties and increased supervision measures) may be imposed on a begging child, who is between 14 and 16 years of age, in a misdemeanour procedure. Educational measures or punishment (fine or juvenile prison) may be imposed on a child over 16 years of age. In addition to educational measures, one of protection measures may be pronounced (seizure of items, mandatory treatment of alcoholics and drug addicts, prohibition of approaching the injured party, facilities or place where the misdemeanour has been committed, prohibition of attending sports events, removal of foreigners from the territory of the Republic of Serbia).

Begging child as victim

Begging child as victim of criminal offence

Substantive law

- Criminal offence of neglecting and abusing a minor, Article 193 of the Criminal Code

Begging may occur within this criminal offence as:

- consequence of perpetrating the criminal offence of neglecting a child by dereliction of parental duties to provide for and bring up a minor (Article 193, paragraph 1 of the Criminal Code);
- goals of perpetrating the criminal offence of “forcing a minor to excessive labour or labour not commensurate with his/her age, or to mendacity, or for gain inducing him/her to engage in other activities detrimental to his/her development” (Article 193, paragraph 2 of the Criminal Code).

The perpetrators of the first form of this criminal offence may be only “a parent, adoptive parent, guardian or other 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”, while the perpetrators of the second form of this criminal offence may be parents, adoptive parents and guardians but also other persons, regardless of whether their duty is “to provide for and bring up” a child.

The terms “neglect” and “gross dereliction”, which describe the act and way of committing it, have not been legally defined. The courts deliver judgments in which they recognise the act of inducing children to beg as neglect and abuse of a child: “...the court has established that the accused H., in the period from the beginning of 1997 to mid-2001..., ordered them to beg and clean car windows at traffic lights and ask for money from drivers, and to hand over thus gathered money to the accused H. Given that in the said period M. and M... were aged 12 to 16 and 11 to 15

respectively, which is the age that requires intensive educational work aimed at acquiring proper working and other useful habits, and the accused H., being their father, forced them to beg, by using his parental authority, beating and insulting them, which is deducted from the injured parties' statements, the described actions of the accused include all the important elements of the criminal offence of neglect and abuse of a minor referred to in Article 118, paragraph 2 of the Criminal Code of the Republic of Serbia...The accused B. H. explains that he was forced to act in that way because he did not have money and the money brought by the minors M. and M. was spending partly on drinks and partly on household necessities."¹¹⁸

- Criminal offence of trafficking in human beings, Article 388 of the Criminal Code

The provisions of the Criminal Code that define trafficking in human beings define begging as a goal of offence. Hence, trafficking in human beings is punishable if its goal is begging, among other things. The prescribed punishment is more severe if the offence is perpetrated against a child (a minor).

Unlike the basic form of offence, which is punishable if perpetrated "by using force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of other person, retaining identity papers or by giving or accepting money or other benefit", the offence of trafficking in human beings committed against a minor exists even if there was "no use of force, threat or any of the other mentioned methods of perpetration". The victim's consent does not change the fact that it is an offence.

The parent/guardian of the child who begs may perpetrate this offence in joinder with the offence of neglecting and abusing of a minor. These are case where parents "rent" their children to other persons for begging during some "profitable" events.

The maximum punishment (minimum 10 years of imprisonment, without a prescribed legal maximum, which means up to 20 years of imprisonment) is prescribed for trafficking in human beings perpetrated by an organised group, in its basic form and the basic form when the victim is a child.

- Law on Misdemeanours

Under certain conditions, this Law recognises the child who begs (thus committing a misdemeanour) also as a victim of other person's misdemeanour: when a child under 14 has committed a misdemeanour, the child's parent, adoptive parent or guardian shall be punished for the misdemeanour as if they committed it themselves, if these adults have failed to exercise due supervision although they were in a position to do so.¹¹⁹ This liability of adults may be prescribed by substantive regulations even when

¹¹⁸ Decision of the County Court in Kragujevac, K 105/2002 of 26 February 2003

¹¹⁹ Article 64 of the Law on Misdemeanour

the child over 14 is liable for committed misdemeanour and in that case it exists in parallel to the child's liability.

A legal entity shall be liable for a misdemeanour, when it is established by substantive regulations, and it shall always be liable for a misdemeanour "committed by culpably undertaken action or by failure to exercise due supervision by the management body or by the responsible person or by a culpable act of another person, who was, at the time of committing the misdemeanour, authorised to act in the name of the legal entity."¹²⁰

By connecting the provisions of the Law on Public Peace and Order with the provisions of the Law on Family, under certain circumstances the legal entities that are the begging child's guardians may be liable for a misdemeanour.

- Law on Public Peace and Order

By introducing the liability of a parent/adoptive parent/guardian for the misdemeanours referred to in this Law and committed by a child (including the misdemeanour of begging), if the misdemeanour has been committed as a result of the parent's/adoptive parent's/guardian's failure to exercise due supervision although they were in a position to do so,¹²¹ the Law indirectly "recognises" that the begging child is a victim under certain circumstances.

Unlike parents and adoptive parents who are always natural persons, the child's guardian may be the guardianship authority, which is a legal entity; the guardianship authority issues a decision on "performing guardianship work and appointing an expert of the guardianship authority who will perform guardianship duties in its name".¹²² If the child is placed in a social protection institution, his/her guardian may be the director of that institution, if it is in the best interest of the child and if the director agrees.¹²³

Procedural law and actions of competent authorities

Begging child as victim of criminal offence in a criminal procedure

The Criminal Procedure Code as general law (*lex generalis*) and the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles as special law (*lex specialis*) apply to the child victim of criminal offence. The Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles does not apply to children victims of any criminal offence, but precisely determined offences including neglect and abuse of minors and trafficking in human beings.¹²⁴ Begging children may be in such a position, regardless of their age. If a begging child has acquired the status of the

¹²⁰ Article 17 of the Law on Misdemeanour

¹²¹ Article 20 of the Law on Public Peace and Order

¹²² Article 131 of the Law on Family

¹²³ Article 130 of the Law on Family

¹²⁴ Article 150 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles

party injured by a criminal offence, the specific provisions of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles, governing the criminal protection of children victims of crime, will be applied.

Begging child as victim of abuse and neglect

- Law on Family¹²⁵

The Law on Family prescribes the state's obligation "to take all necessary measures to protect the child from neglect, physical, sexual and emotional abuse, and any form of exploitation" and "to respect, protect and improve the rights of the child" (Article 6 of the Law on Family) and the parental obligation and right "to take care of and bring up the child by personally taking care of the child's life and health". Parents must not leave a pre-school child unsupervised (Article 69 of the Law on Family). Parents are obliged to "guide the child towards acquiring and respecting the values of emotional, ethical and national identity of their family and society" (Article 70 of the Law on Family), to ensure that the child has elementary education and to enable the child to be further educated in accordance with their possibilities (Article 71 of the Law on Family). Parents have the right and duty to support the child (Article 73 of the Law on Family). By forcing their children to beg, parents abuse their parental right (if a parent "exploits the child by forcing him/her to excessive work or work that endangers the child's moral, health or education or illicit work", if "accustoms the child to bad practices" or "induces the child to commit offences" – Article 81 of the Law on Family).

In addition to certain explicitly outlined parental actions or failures, the Law on Family defines the term *neglect* also as any "gross dereliction of parental duties pertaining to parental rights" (Article 81 of the Law on Family), determined by this Law as providing care, nurture, upbringing, education, representation, support and managing and administering the child's property (Article 68 of the Law on Family). Given that the "parental right is derived from the parental duty and exists only to the extent necessary for the protection of the child's personality, rights and interests" (Article 67 of the Law on Family), the failure to perform the activities pertaining to parental rights shall be considered neglect. The child's begging, which is not the result of parental coercion, but the parental failure to perform the activities pertaining to parental rights shall be deemed a consequence of gross neglect of the child that leads to endangering the child's personality, rights and interests and may be the reason for depriving the parent of the child who begs of his/her parental rights.

The Law on Family establishes that all children, health and educational institutions or social protection institutions, judicial or other state authorities, associations and citizens have the "right and duty to inform the public prosecutor or the guardianship authority about the reasons for taking actions to protect the child's rights". (Article 263 of the Law on Family)

¹²⁵ *Official Gazette of RS*, no. 18/05

Although the Law on Family does not specify the notion of child begging, the child who begs can be recognised as victim of abuse and neglect in many of its provisions.

- By-laws and strategic documents

Several by-laws¹²⁶ and strategic documents¹²⁷ deal with the exploitation of children. Although they do not define *begging* as a separate term, child begging can be recognised in various terms used in these documents for defining the population groups to which these strategic documents refer and setting up the strategic goals. The definition of exploitation, introduced in some by-laws and strategic documents of the Republic of Serbia, is in compliance with the definitions adopted by the World Health Organisation on the Consultation on Child Abuse Prevention, held in Geneva in 1999¹²⁸, and begging can be recognised in the phrases “commercial or other exploitation”, “neglect or negligent treatment resulting in actual or potential harm to the child’s health, survival, development or dignity”. In the strategic documents, begging children can be recognised in the phrases “children who stay in public places without the supervision of parent or guardian, exposed to various forms of abuse, neglect or exploitation” or “children who are exploited through child labour and left to the street – street children” (National Strategy for the Prevention and Protection of Children against Violence); “children victims of trafficking” (Strategy for Combating Trafficking in the Republic of Serbia), “street children” (Strategy for Combating Drugs in the Republic of Serbia in the period 2009-2013 and Strategy for Improvement of the Status of Roma in the Republic of Serbia); “extremely vulnerable groups of population” (Strategy for Continuous Health Care Quality Improvement and Patient Safety), “children victims of violence, neglect and exploitation” (Strategy for Social Protection Development); “street involved youth, i.e. children or young people who live or work on the street” and “young people belonging to vulnerable groups” (National Youth Strategy).

The term *begging* is mentioned explicitly, as form/way of exploiting a child, in the manuals on the implementation of strategic documents intended for expert staff,

¹²⁶ For example, the Rulebook on the Protocol for Responding to Violence, Abuse and Neglect (*Official Gazette of RS*, no. 30/2010)

¹²⁷ National Action Plan for Children, 2004

General Protocol on Child Protection from Abuse and Neglect, adopted in 2005

Special Protocols on Child Protection from Abuse and Neglect adopted by MoI, Ministry of Labour and Social Policy, Ministry of Education and Science, Ministry of Health and Ministry of Justice

National Strategy for the Prevention and Protection of Children against Violence (*Official Gazette of RS*, no. 122/2008)

Strategy for Combating Trafficking in the Republic of Serbia (*Official Gazette of RS*, no. 111/2006)

Strategy for Combating Drugs in the Republic of Serbia in the period 2009-2013 (*Official Gazette of RS*, no. 16/2009)

Strategy for Continuous Health Care Quality Improvement and Patient Safety (*Official Gazette of RS*, no. 15/2009)

Strategy for Improvement of the Status of Roma in the Republic of Serbia (*Official Gazette of RS*, no. 27/2009)

Strategy for Social Protection Development (*Official Gazette of RS*, no. 108/2005)

National Youth Strategy (*Official Gazette of RS*, no. 55/2008)

¹²⁸ <http://yesican.org/definitions/WHO.html>

such as the Manual on the Implementation of General Protocol on Child Protection from Abuse and Neglect.

Begging child as person in social need

- Law on Social Protection and Social Security of Citizens¹²⁹

The previous Law on Social Protection and Social Security of Citizens recognised begging as a ground for providing a child/young person with social protection services – accommodation and reception centre.¹³⁰ Based on this Law, more local self-government units have adopted decisions (which are still in force) prescribing accommodation for begging children into reception centres.¹³¹

- Law on Social Protection¹³²

The Law on Social Protection does not contain any special provisions on the child who begs. The Law does not recognise the accommodation in a reception centre, but envisages the right to be accommodated in a shelter, thus providing the beneficiary with “short-term accommodation and safety, finding sustainable solutions to emergency situations, satisfying his/her basic needs and access to other services”.¹³³ Accommodation is a social protection service provided by local self-government units. This service, as well as other social protection services, may be used by a child whose “health, safety and development have been at risk, due to family and other life circumstances, or if it is rather clear that the child will not be able to reach an optimum level of development without the support of social protection system, in particular if his/her parent, guardian or other caregiver is not able to take care of him/her without the support of social protection system, due to health reasons, mental illness, intellectual challenges or adverse social and economic circumstances”.

The child shall also be entitled to accommodation in the following cases: “if the child is at risk of becoming a victim or already is a victim of abuse, neglect, violence or exploitation; if the child’s physical, psychological or emotional wellbeing and development are at risk as a result of the parent’s/guardian’s/caregiver’s action or failure to act; if the child is a victim of trafficking in human beings;...if the child is a foreign citizen or a stateless person, unaccompanied;...if the child needs to use social protection for other reason”.¹³⁴

¹²⁹ *Official Gazette of RS*, nos. 36/91, 79/91, 33/93, 53/93, 67/93, 46/94, 48/94, 52/96, 29/01, 84/04, 101/05, 115/05 – ceased to be valid on 12 April 2011

¹³⁰ Article 87 of the Law on Social Protection and Social Security of Citizens

¹³¹ For example: Decision on the rights and forms of social protection in Smederevo (*Official Journal of the City of Smederevo*, no. 7/2010), Decision on the rights in the field of social protection and social security of citizens financed from the budget of the City of Vranje (*Official Journal of the City of Vranje*, no. 18/2010) and Decision on social protection of Pančevo citizens (*Official Journal of the City of Pančevo*, nos. 6/2010 and 23/2010 and other)

¹³² *Official Gazette of RS*, no. 24/2011, entered into force on 12 April 2011

¹³³ Article 55 of the Law on Social Protection

¹³⁴ Article 41 of the Law on Social Protection

The said provisions may be applicable to begging children, but the term *begging* is not mentioned in the Law. Among the services provided by the Law, begging children may use community day services: day care centres and drop-in centres.¹³⁵

- Law on Health Insurance¹³⁶

The Law recognises the right to health insurance financed from the budget of the Republic of Serbia for all children under the age of 18. In addition, this right is recognised also to “persons without material resources who receive financial social assistance in accordance with the regulations on social protection; beneficiaries of regular financial assistance and assistance for placement in social care institutions or other families in accordance with the regulations on social protection; unemployed persons, other categories of socially disadvantaged persons whose monthly income is below the income specified by this Law and persons of Roma ethnicity who do not have permanent or temporary residence in the Republic of Serbia due to their traditional lifestyle.

- By-laws

Some by-laws attribute “anti-social behaviour” to begging children or “vagrant” children. *The Rulebook on detailed requirements for establishing, and norms and standards for performing the activity of social protection institutions for residential care of children and youth without parental care, and children and youth with developmental challenges*,¹³⁷ regulates the competences of reception centres by saying that a reception centre shall “admit vagrants and check their identification” and separately register “minors who are admitted to the centre more than twice”.

*The Rulebook on organisations, operational norms and standards of social welfare centres*¹³⁸ also recognises “vagrancy” (but not begging), in the part where it instructs the guardianship authority to register “exploitation/trafficking” and “running away from home/vagrancy” during the initial assessment and examination of possible child’s problems.

International instruments

- Convention on the Rights of the Child¹³⁹ with Optional Protocols¹⁴⁰

¹³⁵ Article 40 of the Law on Social Protection

¹³⁶ *Official Gazette of RS*, nos. 107/05, 109/05, 57/11

¹³⁷ *Official Gazette of RS*, nos. 88/93, 121/2003, 8/2006, 63/2006 and 36/2008

¹³⁸ *Official Gazette of RS*, nos. 59/2008 and 37/2010

¹³⁹ Law on the Ratification of the UN Convention on the Rights of the Child (*Official Journal of SFRY – International Treaties*, no. 15/90 and *Official Journal of FRY – International Treaties*, no. 2/97)

¹⁴⁰ Law on the Ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (*Official Journal of FRY – International Treaties*, no. 7/2002) and Law on the Ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (*Official Journal of FRY – International Treaties*, no. 7/2002)

With respect to children, certainly the most important international instrument is the Convention on the Rights of the Child, which obligates the states parties to ensure each child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents,¹⁴¹ and, to this end, to take all appropriate legislative and administrative measures. This obligation includes the identification of individual children and groups of children who may require special measures in order to be able to exercise their rights. Based on four guiding principles: right to life, survival and development, non-discrimination, participation and best interests of the child, the Convention (*inter alia*) obligates the states parties to undertake measures to combat the illicit transfer of children, protect children from abuse, neglect and any form of exploitation and labour that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, and to undertake measures to provide support for the child and for those who have the care of the child.

- International Labour Organisation Convention no. 182 on the Worst Forms of Child Labour and ILO Recommendations no. 190 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour¹⁴²

The Convention with the Recommendations gives a framework definition of child labour and its worst forms, including “use, procuring and offering of children of illicit activities...” It obligates the state members to design and implement programmes of action to eliminate as a priority the worst forms of child labour and to assign a competent authority responsible for the implementation of this Convention. The Convention particularly emphasises that the states should prevent the engagement of children in the worst forms of child labour and to provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. By providing the detailed guidelines to the states on the actions required to prevent and eliminate the worst forms of child labour, this international treaty particularly highlights the importance of education, eradication of poverty and cooperation of relevant authorities at the national and international level.

- International Covenant on Economic, Social and Cultural Rights¹⁴³, International Covenant on Civil and Political Rights¹⁴⁴ and Revised European Social Charter¹⁴⁵

¹⁴¹ or legal guardians, or other individuals legally responsible for the child

¹⁴² Law on the Ratification of the ILO Convention on the Worst Forms of Child Labour and ILO Recommendations 190 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (*Official Journal of FRY – International Treaties*, no. 2/2003)

¹⁴³ Law on the Ratification of the International Covenant on Economic, Social and Cultural Rights (*Official Journal of SFRY*, no. 7/71)

¹⁴⁴ Law on the Ratification of the International Covenant on Civil and Political Rights (*Official Journal of SFRY*, no. 7/71)

None of these international treaties deal with the issue of begging or child exploitation, but they are very important for the prevention of these phenomena. By guaranteeing the right to work and education, as well as all economic, social, cultural, civil and political rights to all citizens, the Covenants and the Charter provide the foundations for the elimination of many causes of child exploitation and child begging. The International Covenant on Civil and Political Rights obligates the states to ensure that every child is registered immediately after birth and has a name, as well as to acquire a nationality, which is rather relevant to the actual situation in the Republic of Serbia.

- Other international treaties

A series of other international treaties, which deal with specific segments of human rights, may apply to the phenomenon of child begging and exploitation, primarily in the field of prevention: the European Convention for the Protection of Human Rights and Fundamental Freedoms with Protocols¹⁴⁶, the Convention on the Rights of Persons with Disabilities¹⁴⁷, the United Nations Convention against Transnational Organised Crime and Protocols Thereto¹⁴⁸, the Council of Europe Convention on Action against Trafficking in Human Beings¹⁴⁹, the Constitution of the International Organisation for Migration¹⁵⁰ and other. By enabling the exercise of the rights guaranteed by these international treaties and documents, the states eliminate a series of factors that have a significant impact on the occurrence of child begging, and remove numerous risk factors by fulfilling their obligations undertaken under these instruments.

- Bilateral agreements

¹⁴⁵ Law on the Ratification of the Revised European Social Charter (*Official Gazette of RS – International Treaties*, no. 42/2009)

¹⁴⁶ Law on the Amendments to the Law on Ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms, revised in accordance with the Protocol no. 11, Protocols to the Convention for the Protection of Human Rights and Fundamental Freedoms, Protocol no. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms guaranteeing certain rights and freedoms that are not included in the Convention and First Protocol Thereto, Protocol no. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty, Protocol no. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Protocol no. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms and Protocol no. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances (*Official Gazette of RS – International Treaties*, no. 12/2010)

¹⁴⁷ Law on Ratification of the Convention on the Rights of Persons with Disabilities (*Official Gazette of RS – International Treaties*, no. 42/2009)

¹⁴⁸ Law on Ratification of the United Nations Convention against Transnational Organised Crime and Protocols Thereto (*Official Journal of FRY – International Treaties*, no. 6/2001)

¹⁴⁹ Law on Ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (*Official Gazette of RS – International Treaties*, no. 19/2009)

¹⁵⁰ Law on Ratification of the Constitution of the International Organisation for Migration (*Official Journal of FRY – International Treaties*, no. 4/2001)

The bilateral agreements with the neighbouring countries, primarily those referring to cooperation and police cooperation, are particularly important for the Republic of Serbia.¹⁵¹ The joint activities of neighbouring countries in the field of preventing and solving crime, especially organised crimes, illegal migrations, trafficking in human beings and other serious crimes, as well as cooperation in the field of social protection and protection of human rights and freedoms, can immensely contribute to the prevention and suppression of child exploitation and child begging.

¹⁵¹ Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Government of the Republic of Croatia on extradition and acceptance of persons who enter or reside illegally on their territory with the Protocol on the implementation of Agreement (*Official Gazette of RS – International Treaties*, no. 19/2010); Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Government of the Republic of Croatia on police cooperation (*Official Gazette of RS – International Treaties*, no. 19/2010); Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Government of the Republic of Bulgaria on police cooperation (*Official Gazette of RS – International Treaties*, no. 10/2010); Law on Ratification of the Agreement on establishing special parallel relations between the Republic of Serbia and the Republic of Srpska (*Official Gazette of RS – International Treaties*, no. 70/2007); etc.

COMPETENCES AND ACTIONS OF GOVERNMENTAL AND CIVIL SECTORS OF THE REPUBLIC OF SERBIA IN SUPPRESSING AND PREVENTING CHILD BEGGING

*Police officers believe more what children are saying than
what adults tell them.
A child, Belgrade*

Capacity of state bodies and civil society organisations to work on suppressing and preventing child begging

Most authorities, institutions and organisations believe not to have sufficient capacity for dealing with begging children. The authorities indicate the need for increasing the number of employees (primarily in the social protection system), better equipment and in particular additional training.¹⁵²

As regards human resources (number of staff), nearly 60% of authorities and institutions consider their capacity insufficient (Graph 10) and believe that their experts do not have adequate knowledge and skills to work with begging children (Graph 11).

Graph 10

Do they have a sufficient number of employees?

RD
SP
Total

No answer
Yes
No

Graph 11

Are they adequately trained to deal with this issue?

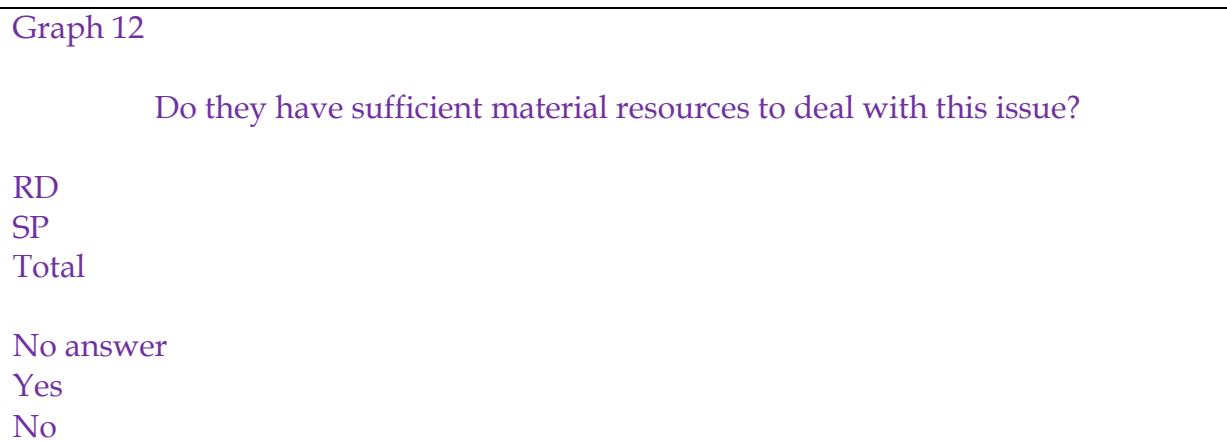
RD
SP
Total

No answer
Yes

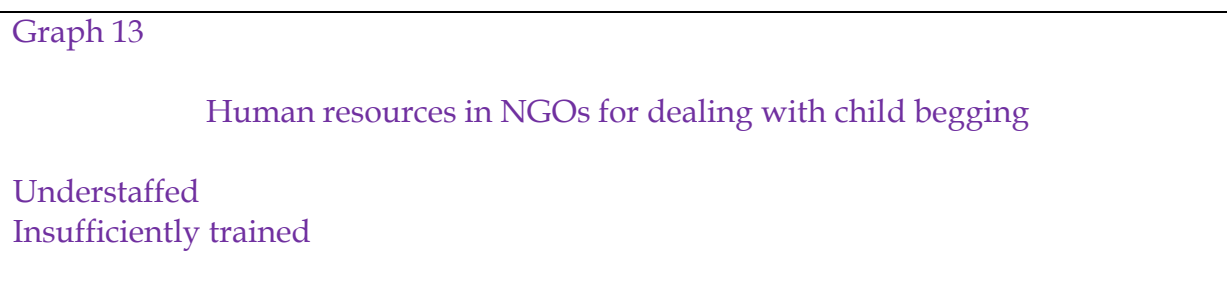
¹⁵² Group interview with experts, Belgrade

No

The lack of material resources is very pronounced: 90% of authorities and institutions point to this problem (Graph 12).

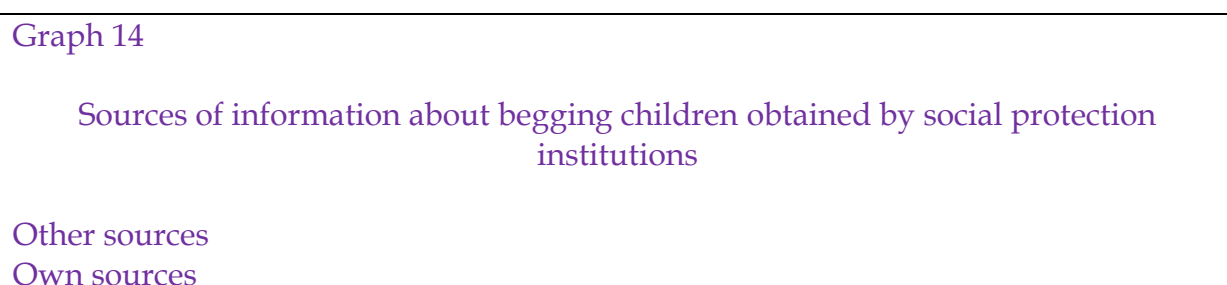


60% of civil society organisations also believe not to have a sufficient number of employees, and 40% of them consider that their experts do not have adequate knowledge and skills for this type of work (Graph 13).



Competences and measures taken by state bodies and non-governmental organisations in child begging cases

Social protection institutions obtain information about the children who beg mainly from other sources – in 77% of cases, and in 17% of cases they use their own data and resources (Graphs 14 and 15).



No information

Graph 15

Information about begging children obtained by social protection institutions from their own sources

Experts in the field
Beneficiaries and relatives
Total

In most cases (76%), social protection institutions obtain information about begging children from state authorities and other institutions (48%) and citizens (28%).

Graph 16

Information about begging children obtained by social protection institutions from other sources

Citizens
Other authorities
Media
Total

Social protection institutions consider that these are their primary activities in child begging cases: providing accommodation and support to begging children, counselling parents, warning them about the sanctions that may be pronounced against them and filing charges with competent authorities (Graph 17).

Fewer than 10% of institutions believe that their competence is to provide material support and only 4% of institutions consider that their competence is to provide support to the family. Some 10% of institutions see the instigation of a procedure for terminating parental right as their competence. (Graph 18)

Graph 17

Competences of social protection institutions in cases of child begging

There are no cases
Filing charges
Material support to families
Support and accommodation for children
Counselling parents/informing parents about potential sanctions
Reviewing and/or terminating parental right
Support to families

Other

The measures most often undertaken by social protection institutions are providing accommodation for children, counselling parents, counselling children and filing charges. Material assistance is low on the scale of services provided by social protection institutions to begging children (Graph 18).

Graph 18

Measures undertaken by social protection institutions in cases of child begging

There are no records
Material and legal assistance to families
Accommodation for children
Counselling children
Counselling parents
Filing criminal and misdemeanour charges
Other

The measures specified by the institutions are in accordance with their views on their own competences. Material assistance is an insufficiently applied measure, while protective and repressive measures are used as primary choice.

Children are afraid of social institutions for residential care (homes); they see them as punishment for “working” or begging...

- ...*I run away because they want to take me to a home.*¹⁵³

...and they are not acquainted with social welfare centres:

- *I've heard they exist, but I don't know where they are or what they do.*¹⁵⁴

Police departments and stations find that their basic competence with respect to begging children is filing charges with competent authorities and notifying social welfare centres (Graph 19). The uniform view of the police regarding these two competences reflects the application of legal provisions: if a begging child is under 14, the police shall notify social welfare centres; if a begging child is older, a charge may be filed against him/her with the competent authority; in both cases, it is possible to file charges against parents.

¹⁵³ Group interview with children, Belgrade

¹⁵⁴ Group interview with children, Belgrade

Graph 19

Competences of police departments in cases of child begging

There are no cases
Filing charges
Notifying social welfare centres
Removing children from the street
Acting in accordance with law
Other

Fewer than 2% of police departments and stations specify the removal of children from the street as their power.

The measures undertaken by the police (Graph 20) are very few and consist of the following activities: notifying social welfare centres (37%), establishing the child's identity (7%) and summoning parents (15%):

- *This is what we do in case of finding a person begging on the street: if these are children with parents, we bring them in here together, conduct an interview with them, prepare misdemeanour charges, we often pronounce warnings, the court is usually mild in such cases, sometimes it is effective and people stop doing it. At least those who come from other places, they stop coming to beg. Sometimes the mobile teams of social welfare centres are called to the spot. Some of them have good teams, others not so good, and they come. It is examined whether the child is injured and then the centre does its job. If the centre representatives do not come, then the police must write a detailed report and send it to the social welfare centre. For example, if we find a person with the child from Pančevo, we send a report to the centre; they give their opinion and submit it to us. Then, if they assess that there are elements of abuse, we forward the case to the public prosecutor's office. This is a kind of cooperation that we have.¹⁵⁵*

However, in answering the questionnaire, a high percentage of police departments and stations (35%) mention that there are no cases of begging. (Graph 20)

Graph 20

Measures undertaken by police departments in cases of child begging

There are no cases
Notifying social welfare centres
Establishing identity
Summoning parents
Other

¹⁵⁵ Group interview with experts, Belgrade

In case of children over 14 years of age, the police files charges less frequently, although it is authorised to do so.

- *We do not take any measures with respect to minors who beg, there are very few misdemeanour charges. The point of misdemeanour charges is to pronounce fines, which is absurd in such situations...*¹⁵⁶
- *...although I don't know why someone who is 17 or 18 would not be held liable for a misdemeanour in accordance with the Law on Public Peace and Order...the sanctions are prescribed, the law exists and it should be respected...we haven't filed charges, which doesn't mean that there are no such cases. We simply haven't encountered such cases. Though I doubt that we would file charges against someone under 16. Perhaps we would against those who are 17 or 18, but it is unlikely we would against the persons who are under 16.*¹⁵⁷

Misdemeanour and criminal charges are filed more often against parents...

- *...there is a criminal offence of neglecting and abusing a minor and we penalise parents or guardians on those grounds when we find children begging on the street...*¹⁵⁸

...and always against the persons who are suspected organisers of begging, in line with the legal provisions concerning trafficking in human beings.

Begging children perceive police officers as their protectors...

- *I have friends in the police; when they see me they say: "Hey, what's up!"*¹⁵⁹
- Interviewer: *And what happens when the police come?*
Child: *It's ok then, we go where they are and they protect us.*¹⁶⁰
- Interviewer: *Who do you turn to for help?*
Child: *To the police.*
Child: *Me too, police officers believe more what children are saying than what adults tell them.*¹⁶¹
- *I'm not afraid of them, they protect us.*¹⁶²

... and as a threat:

- Interviewer: *Has it ever happened to you to be taken to a home?*
Child: *It's happened to me and my friend. The police chased us but we managed to escape.*¹⁶³
- *I don't trust them.*¹⁶⁴

¹⁵⁶ Group interview with experts, Niš

¹⁵⁷ Group interview with experts, Belgrade

¹⁵⁸ Group interview with experts, Novi Sad

¹⁵⁹ Group interview with children, Belgrade

¹⁶⁰ Group interview with children, Belgrade

¹⁶¹ Group interview with children, Belgrade

¹⁶² Group interview with children, Belgrade

¹⁶³ Group interview with children, Belgrade

- *It depends on the way a police officer is calling me. If he is calling me nicely, I approach, if he is aggressive, I run away.*¹⁶⁵
- *Some police officers make us go home and don't let us be here.*¹⁶⁶

Civil society organisations state that their competences include the activities consisting of education, work with children (empowerment and support), provision of accommodation in day care centres and humanitarian aid, and cooperation with state authorities and public services.

Effects of undertaken measures in child begging cases and their monitoring

State authorities, but also non-governmental organisations, do not evaluate, in an adequate manner, the measures undertaken in cases of child begging, nor do they monitor their impact.

After taking measures with respect to begging children, the police and social protection institutions do not have any feedback on the child in most cases (Graph 21), which means that they do not have information about the efficiency of undertaken measures.

Graph 21

Do they have feedback on registered children?

PD

SP

Total

No

Yes

No answer

It can be noticed that the police gets feedback on the children with respect to whom it have taken actions within its purview (41%) more often than social protection institutions (29%). (Graph 21)

In cases where there is feedback, the police and social protection institutions have information that most children (over 50%) go back to the street. (Graphs 22, 23 and 24)¹⁶⁷

Graph 22

¹⁶⁴ Group interview with children, Belgrade

¹⁶⁵ Group interview with children, Niš

¹⁶⁶ Group interview with children, Belgrade

¹⁶⁷ Although the number of these cases known to PD and SP is small, the information is presented in percentages for the purpose of more realistic illustration.

Both PD and SP: What happens with the cases of child begging after they have taken measures?

They go back to the street

SP takes over the case and takes care of them

Other

Graph 23

PD: What happens with the cases of child begging after they have taken measures?

They go back to the street

SP takes over the case

Other

Graph 24

SP: What happens with the cases of child begging after they have taken measures?

They go back to the street

They are taken care of

Other

The measures pronounced by misdemeanour courts are not only inefficient but also absurd: the parents are punished by fine and money for paying these fines (taken into consideration the poverty of families) is provided (also) by child begging.¹⁶⁸

Civil society organisations also have the information that most children go back to the street, at least from among those with whom they have worked and on whom they have feedback.

Efficiency of legally prescribed measures

The legally prescribed measures taken in order to suppress and prevent child begging are not sufficiently effective, according to the assessment of half of authorities and organisations. (Graph 25)¹⁶⁹ Only 10% of the representatives of public

¹⁶⁸ Group interview with experts, Belgrade

¹⁶⁹ With respect to the relevance of this information, it is important to know that nearly 40% of them did not answer this question.

authorities consider that the existing legally prescribed measures are effective in suppressing this phenomenon.

NGOs (9 out of 10) also predominantly believe that the existing legislation is an inadequate and ineffective platform for solving this issue.

Graph 25



The measures that resulted in visible effects are the activities of day care centres and drop-in centres for street involved children:

- Yes, there are fewer children who beg...The Drop-in Centre and the Day Care Centre have been opened... 50 children were enrolled in school...¹⁷⁰

Cooperation within the system of state authorities and cooperation with the civil sector

Social protection institutions achieve the highest level of cooperation with the police: nearly 60% of institutions state that they cooperate with this authority. Cooperation includes provision of information, joint interventions of institutions and the police, and acting upon filed reports. It is followed by cooperation with schools (46%) through the exchange of information, assisting children in education and monitoring the impact of taken measures.

Nearly 31% of social protection institutions cooperate with health institutions, mainly through referrals to medical examinations, and to a lesser extent, through provision of information and collaboration (only 5% of institutions mention this form of cooperation with health care institutions).

Cooperation with public prosecutor's offices and courts is almost equal in its scope (21% and 20% respectively) and form: reporting, interventions and submitting findings and expert opinions.

The relevant information is that cooperation most rarely takes place within the social protection system – cooperation of social protection institutions with AP authorities

¹⁷⁰ Group interview with experts, Belgrade

does not exist (in fact, none of social protection institutions mention any cooperation with the Provincial Secretariat for Health, Social Policy and Demography – 0%), while cooperation with the ministries is at very low level (4%). The most frequent answer to the question whether there is cooperation was *no* – 19% of social protection institutions state not to have cooperation with AP authorities, and 20% of them have no cooperation with the ministries.

A small percentage of social protection institutions (12%) cooperate with NGOs through the exchange of information and joint projects. (Graph 26)

Graph 26

Do social protection institutions cooperate with other authorities, institutions and organisations?

No answer

No

Yes

PD

Public prosecutor's offices

Courts

Health care institutions

Schools

AP authorities

NGO

Forms of cooperation between social protection institutions and other authorities, institutions and organisations		
PD	Informing	57%
	Acting upon filed reports	17%
	Joint interventions	19%
Public prosecutor's offices	Reporting	27%
	Findings and expert opinions	13%
	Interventions	47%
Courts	Interventions	44%
	Reporting	38%
	Findings and expert opinions	19%
Health care institutions	Referrals to medical examinations	75%
	Informing and cooperation	5%
Schools	Exchange of information	42%
	Support in studying	23%
	Monitoring the impact of measures	8%
AP authorities		
Ministries		
NGO	Exchange of information	
	Joint projects	

Table 1

The level of reporting and informing is rather low in cooperation between social protection institutions and public prosecutor's offices, courts and health care institutions, which indicates poor information flow, either from or to social protection institutions. Social protection institutions have somewhat better (although insufficient) exchange of information with police and schools.

The two-way flow of information exists between social protection institutions and civil society organisations and educational institutions (as exchange of information and monitoring the measures taken with respect to children). In other cases, cooperation is one-way, either from an SP institution to a certain body or vice versa (with the exception of joint interventions with the police).

The police achieve the highest level of cooperation with social protection institutions (85% of police departments and stations mention cooperation with the social protection system) through informing, joint work and activities of providing primary care to children.

The police have a high level of cooperation with public prosecutor's offices (56%), primarily through submitting reports to public prosecutor's offices and collecting information for their needs. Cooperation with courts (40%) consists of informing courts, filing charges and submitting reports to courts.

The police have the same scope of cooperation with health care institutions, mainly through referrals to medical examinations, and 8% of police departments and stations mention cooperation through informing.

36% of police departments and stations have cooperation with schools, and it consists of education, lectures and joint monitoring of children.

There is no cooperation between the police and the AP authorities, while cooperation with the ministries is at such a low level that it can be considered inexistent (1%). The police have also answered *no* more frequently when asked whether they cooperate with the AP authorities (35%) and the ministries (31%).

The cooperation of police with the civil sector is at low level (6%) and it consists of information exchange, joint support to children and prevention programmes (Graph 27).

Graph 27

Do police departments and stations cooperate with other authorities, institutions and organisations?

No answer
No

Yes
SP
Public prosecutor's offices
Courts
Health care institutions
Schools
AP authorities
NGO
Other

Forms of cooperation between police department/stations and other authorities, institutions and organisations		
SP	Informing and cooperation	59%
	Joint work	22%
	Provision of primary care to children	12%
Public prosecutor's offices	Reporting	36%
	Collecting information for the needs of public prosecutor's offices	32%
	Filing charges	18%
Courts	Informing and cooperation	59%
	Filing charges	28%
	Submitting reports	22%
Health care institutions	Referrals to medical examinations	75%
	Informing and cooperation	8%
Schools	Education and lectures	60%
	Joint monitoring of children	40%
AP authorities		
Ministries		
NGO	Exchange of information	
	Joint provision of assistance	
	Prevention programmes	

Table 2

The police cooperate on prevention only with schools and civil society organisations. The police and schools jointly monitor children (40% of police departments and stations mention this activity with schools) and organise education and lectures (60% of police departments and stations). The police and NGOs jointly provide assistance, exchange information, participate in joint programmes and have joint prevention programmes.

As regards social protection institutions, there are also joint activities (22%), informing and cooperation (60%) and joint care provision for children (12%).

However, as regards judicial authorities, the police are primarily their "aides" or an authority that provides services to public prosecutor's offices and courts through a one-way information flow (from police to prosecutor's offices/courts).

The majority of respondent civil society organisations (80%) state that they cooperate with social protection institutions; the level of their cooperation is somewhat lower with schools (60%), police and health care institutions (50%) and rather low with judiciary and state administration (20%). (Graph 28)

Graph 28

Cooperation of NGOs with state authorities and institutions

SP
RD
Public prosecutor's offices
Courts
Health care institutions
Schools
AP authorities
Ministries

Suggestions for improving the prevention of child begging and protection of begging children

**I would never let my children beg.
A child, Niš**

The representatives of state authorities, public institutions and civil sector suggested a series of measures for suppressing and preventing child begging.

One group of suggestions includes the measures that may alleviate certain risk factors:

- Education of the parents of begging children;
- Material support to the begging child's family and its economic empowerment;
- Inclusion of begging children into the educational system and keeping them in the educational system:
 - ...*changing awareness step by step*;¹⁷¹
- Developing support services provided to the begging child's family;
- Employment for the begging child's parents:
 - *You know, you have to talk to the parents. They don't have a job, but perhaps if we offered them a job, they would not send their children to beg. It's not that I know much about that stuff, but I think logically. I would never let my children beg.*¹⁷²
- Motivating and activating the parents of begging children to work, instead of maintaining their "dependent position" of material assistance receivers:

¹⁷¹ Individual interview with an expert, Belgrade

¹⁷² Group interview with children, Niš

- *Therefore, we shouldn't just give them a confirmation of unemployment, but on the contrary, try to employ them.*¹⁷³
- *Social assistance can help, when you receive money, you stay at home, fill in the fridge and don't go anywhere;*¹⁷⁴
- Social integration of Roma population;
- Early inclusion of children at risk of begging and child "labour" into the educational system ("early age services") through pre-school institutions:
 - *If pre-school institutions could start working with children at the age of 3, we would certainly have 90% fewer problems later on. I believe we should focus on the period up to the age of 7.*¹⁷⁵
- Accessibility of institutions to children at risk of begging and child "labour" and other marginalised groups of children;
- Accessibility of state authorities and public services to marginalised families and respectful treatment of this group of citizens by authorities and institutions, taking into account their needs:
 - *The attitude is very important; it's important to understand someone's needs. It's the basis for establishing a contact and trust;*¹⁷⁶
- Provision of documents;
- Sensitisation of citizens and changing of public tolerance towards begging:
 - *It's a sort of cliché, pattern, thinking that it's merciful to give money...there are many examples, such as throwing money at weddings...children gather money in front of the church and then someone waits for them there, takes the money and buys a bottle of brandy.*¹⁷⁷

The second group of suggestions focuses on treating children who already beg and their parents, aimed at making the children stop begging and "working" and including them to the flows of socially desirable behaviour:

- Preventing children from begging, at the same time offering alternative models of behaviour *in accordance with culturological needs of the group to which the begging children belong*¹⁷⁸ and alternative and legal sources of income.¹⁷⁹
- Establishing adequate records at the national level;¹⁸⁰
- Continuous field work with begging children and opening of new day care centres and drop-in centres for street involved children:
 - *The Drop-in Centre Project is one of the ways...*¹⁸¹
- Comprehensive action that would include preventive, protective and repressive measures and total cooperation of all authorities, institutions and organisations:
 - *It involves the mobilisation of the entire local community, local government, because any unemployed teacher, pedagogue, psychologist who waits at the labour*

¹⁷³ Group interview with experts, Belgrade

¹⁷⁴ Group interview with children, Belgrade

¹⁷⁵ Group interview with experts, Novi Sad

¹⁷⁶ Group interview with experts, Belgrade

¹⁷⁷ Group interview with experts, Belgrade

¹⁷⁸ Group interview with experts, Niš

¹⁷⁹ Group interview with experts, Belgrade

¹⁸⁰ Individual interview with an expert, Belgrade

¹⁸¹ Group interview with experts, Niš

market, would accept to be engaged in a project designed to motivate these children through suitable programmes;¹⁸²

- Improving the work of the social protection system, which is competent for solving the social aspect of begging issue;¹⁸³
- Establishing a strong guard service that will patrol and work on a psychological level;¹⁸⁴
- Punishing parents/organisers of begging:
 - *If parents fail to send children to school, they should go to jail!...The state should impose penalties where it can.¹⁸⁵*
 - *...a joint action may reveal who took the children to the street, whether those parents should be deprived of their parental right, whether the children should be placed somewhere, whether a criminal procedure should be instigated against the parents;¹⁸⁶*

...but also the children who beg:

- *Because they, regardless of acting upon self-initiative and without organisers, must be punished to show the others how serious that thing is. Because, if we only take them in, call the centre, check, let them go, they will keep thinking it is something legal and normal. They don't see disturbing traffic as misdemeanour. In that sense, we have to impose that punishment at least on someone, on those who are criminally liable.¹⁸⁷*

Nearly one-fourth of authorities and institutions (23%) believe that the existing legal measures are mild and that stricter measures would yield positive effects on suppressing and preventing child begging. It is noticeable that this opinion prevailed more among the experts of the social protection system (30%) than among police officers (16%). A smaller number of authorities and institutions recognise prevention as a way of reducing the incidence of child begging. (Table 3)

Measure improvement suggestions			
	PD	SP	Total
No answer	47%	31%	39%
Consistent application of laws	6%	5%	6%
Engagement of wider community	2%	0%	1%
Speeding up court procedures	4%	4%	4%
Introduce stricter legal measures	16%	30%	23%
Improve prevention	15%	18%	16%
Other	10%	12%	11%

Table 3

¹⁸² Group interview with experts, Niš

¹⁸³ Group interview with experts, Belgrade

¹⁸⁴ Group interview with experts, Novi Sad

¹⁸⁵ Group interview with experts, Belgrade

¹⁸⁶ Group interview with experts, Belgrade

¹⁸⁷ Group interview with experts, Belgrade

Non-governmental organisations have similar views: only one NGO believes that the existing legally prescribed measures may *partly prevent the social problem of begging*. Eight out of ten NGOs consider the existing measures to be inefficient because they *do not provide solutions*, do not include preventive activities, and there are no support programmes and institutions for the children who beg and their parents.

Social protection institutions particularly emphasise the need for improving the way of record-keeping, given that presently there is no determined way of monitoring the phenomenon of child begging. Most institutions suggest the networking of authorities and institutions and establishing separate records of begging children or categorising separately the begging children in the existing records. (Table 4)

Suggestions for improving record-keeping in social protection institutions	
No answer	30%
Forming a separate category	23%
Creating separate records and networking of institutions	33%
Studying this phenomenon	1%
Engagement of the public	5%
Other	8%

Table 4

The authorities, institutions and organisations highlight the following challenges and obstacles in undertaking the measures of prevention and suppressing child begging:

- System closeness:
 - *...social protection, whatever powers it may have, cannot handle the problem alone; it has to be a coordinated action of all...of the system..., and it should not be a successive one, but complementary; it must be a joint action at all times. If someone is in the system of social protection, the simultaneous actions of the systems of health care and education are required...*¹⁸⁸
- Lack of cooperation:
 - *...If I don't know someone personally, there is no cooperation. The institutional cooperation is awful. Without personal acquaintances, there is no concrete assistance. And we ourselves are also an internal system. Cooperation cannot boil down to personal contacts only;*¹⁸⁹
- Bureaucratic rigidity of the system:
 - *...A negotiating approach has been created, which is not oriented towards meeting the needs of beneficiaries, but the situation is perceived from the negative aspect: you are not entitled to assistance unless you prove me you are. This is an approach we take in providing services. But when you have such a family, the point is not what they are entitled to but what they need;*¹⁹⁰

¹⁸⁸ Individual interview with an expert

¹⁸⁹ Group interview with experts, Novi Sad

¹⁹⁰ Group interview with experts, Belgrade

- Lack of human and material resources;
- Resistance in educational institutions (pre-school institutions and schools) towards street involved children and children from marginalised groups:
 - *...the institution...does not want to deal with those children...*¹⁹¹
- Social tolerance to begging:
 - *It's a sort of cliché, pattern, thinking that it's merciful to give money and if we made it punishable, we would have a problem in society.*¹⁹²

MAJOR CHALLENGES AND PROBLEMS IN SUPPRESSING AND PREVENTING CHILD BEGGING IN THE REPUBLIC OF SERBIA

The Republic of Serbia has not conducted any previous comprehensive research on children involved in street life and/or work, including the children who beg, and does not possess sufficient information and professional knowledge, based on which the consistent and reliable conclusions could be made about the **causes** of children being involved in street life and/or work and the **scope** of this phenomenon.

Based on the findings of conducted research on the phenomenon of child begging in the Republic of Serbia, the following conclusions have been made about the actual problems, difficulties and challenges faced by public authorities and civil society organisations in their work on suppression and prevention of child begging.

Lack of knowledge and understanding of child begging phenomenon and its implications

There is no consent among the experts dealing with children, or among the competent state authorities and the civil sector, about the meaning of the term *begging* and in particular what child begging consists of.

State authorities, institutions and civil society organisations rely in their action mainly on sociological definitions and legal provisions, which insufficiently explain this phenomenon and do not provide an adequate platform for its suppression and eradication.

Since there is so little knowledge about who the begging children are, their origin, life, family and social background, and given that deeper reasons for their involvement in begging have neither been studied nor systematically dealt with, the dominating stereotypical perception is that a begging child is a small (mainly Roma) child who is physically, medically and educationally neglected, alone or accompanied, most often by an older child or a female adult, and who, by stretching out an open hand and/or singing or playing an instrument on the street or a public

¹⁹¹ Group interview with experts, Novi Sad

¹⁹² Group interview with experts, Belgrade

transportation vehicle, is trying to provoke mercy or pity of passers-by and get money from them.

Although the experts of authorities, institutions and organisations stress that begging is performed in different ways and that there is a wide spectrum of different forms of child behaviour that can be considered begging, there is no consent about which activities of children involved in street life and/or work may be considered begging.

The way in which the children who beg define begging differs a lot from the views of the adults dealing with these children. Children make difference between “work” and “begging”. Children perceive the following activities as work: cleaning car windows, selling flowers, “parking”, collecting secondary raw materials (cardboard, paper, copper), singing and playing in public transportation vehicles. On the other hand, begging is not work but undesirable behaviour, which is essential for providing basic necessities.

Lack of registers and data about the characteristics and prevalence of child begging

There is no record-keeping on this phenomenon in any state authority system (only the social protection system and the police have indirect information), and in particular, there is no systematic and comprehensive register of children involved in street life and/or work and begging. Therefore, presently there are only assumptions and rough estimates about the prevalence of this phenomenon in the Republic of Serbia, number of children involved in street life and/or work (“street children”), including the ones who beg, their age, whether they are spatially/geographically grouped, way of being organised, where and in what kind of families they live, etc.

The establishment of registers is rendered more difficult due to the facts that experts do not have a uniform opinion on the meaning of the term *child begging* and that street involved children most often cannot be identified since they do not possess personal documents and have not been registered in birth registry books. The impossibility of registering these “legally invisible” children may be the least of all consequences since these are the children deprived of health care and education, and do not have access to all (sometimes very adequate) social protection services.

The lack of child begging registers, inconsistency and unreliability of data on child begging cases in relevant authorities, institutions and organisations additionally complicates and hinders the possibility of taking an organised, aligned and coordinated action on suppressing, preventing and eliminating child begging, as one of forms of abuse and exploitation of children, which became the state’s obligation upon the ratification of the Convention on the Rights of the Child, the ILO Convention no. 182 on the Worst Forms of Child Labour and other international treaties.

The information and estimates obtained from the experts in this research that half of the children involved in begging age between 10 and 14, and that as many as 45% of

these children are from 1 to 10 year old, indicate that the competent authorities should urgently adopt appropriate strategies and guidelines to protect these children from all forms of abuse and exploitation, in accordance with the obligations undertaken under ratified international instruments.

The information from the research that begging children tend to gravitate towards bigger cities and regional hubs, such as Belgrade, Novi Sad and Niš and mobility of child begging towards tourist centres, depending on the tourist season, coincide with the experiences, knowledge and data on child begging from other countries in the region.

Lack of understanding of child begging causes and risk factors

Begging is one of many pieces in the mosaic of life of “street children”, inextricably linked and parallel to other activities of these children. The identification of child begging requires a systematic research that would have a holistic approach to the phenomenon of children involved in life and work on the street, including child begging.

The representatives of public authorities (from the social protection system and the police) have assessed that the major risk factor for the occurrence of child begging is belonging to Roma ethnicity and forcing children to beg by an organised group (a total of 74%), while a significantly less impact has been attributed to poverty (7%) and belonging to a group of street children (8%).

However, poverty is certainly an important risk factor, and according to the children involved in begging, poverty was the main reason for beginning to beg.

The results of focus groups and group interviews show a series of other factors for which the experts believe to be reasons for begging: “acquiring certain behavioural habits”, “wrong attitudes of parents”, accepting transgenerational and cultural patterns, “subcultures”, different system of values, abandoning regular education and lack of motivation for returning to the educational system, “unaware” families, “they do not value education”...

The research has revealed the insufficient understanding of causes of child begging, but also the existence of prejudices and the necessity of acquainting experts with the fact that Roma children are at the greatest risk of being involved in begging, as the most marginalised group, due to their extreme poverty (Roma poverty rates are 10 times that of majority population¹⁹³), ghettoization and social exclusion, their parents’ unemployment and lack of education, life and development in unsafe and disadvantaged conditions for child’s life and development, without adequate nutrition, hygiene, health care, inaccessibility of pre-school education and early age stimulation.

¹⁹³ Inclusion of Roma children at their early age, National Report for Serbia, March 2011

Insufficient understanding of the crucial importance of early childhood

The research findings on the views of national experts that deal with children reveal their insufficient understanding of the crucial importance of early childhood and their lack of knowledge that the children aged between 0 and 6 years face with much bigger risk of poverty and non-stimulating and adverse conditions of living and development than the children of different age groups.

The lack of understanding the importance of early childhood and potential social systems for early age inclusion of children leads to the absence of visions, strategies and efficient preventive programmes aimed at preventing, suppressing and eradicating the incidence of child begging, and to the failure to include these children and “street children” in the systems of health care, social protection and pre-school education.

If the situation remains like this and if attention is paid to these children only when they start with obligatory pre-school and primary education, it will be particularly late for the children who live and grow up on the street in poverty, deprived of appropriate early stimulation in the family environment, who are unsafe, exposed to adverse conditions of living and development and the most extreme forms of exploitation.

Exclusion of children, their opinion and contribution to understanding, suppressing and preventing child begging

Given that the children who live and work on the street, and who are involved in begging, understand this phenomenon, its causes and risk factors rather differently than the adults who are responsible for providing them with protection, it is not a surprise that the existing measures taken by state authorities and institutions are inefficient and inadequate. Such assessments are given even by the state authority experts who have undertaken these measures; they say that over 50% of children covered by these measures return to the street and continue with begging.

Inaccessibility and impossibility to exercise the rights of these children in all systems (legal, social, health care, educational, safety)

The existing legislation focuses more on services and measures, and on the competent authorities and institutions rendering these services, instead of focusing on children. The children mentioned in documents and regulations are those registered with any of the state systems, which means that there are entire groups of children who fall victims to social exclusion, neglect, abuse, maltreatment and exploitation (children who live and work on the street and are involved in begging,

Roma children, young children and children without personal documents) and who fall through the cracks of the governmental agenda.

Exercising the right to health care, social protection, legal protection, safety and education of the children involved in street life and/or work (“street children”) and engaged in begging has not been regulated by special regulations, but the general provisions of laws and by-laws apply to them in the said fields in which they are “invisible”, including the complicated procedures and requirements for exercising the rights and being provided with protection, which these children and their families are often not able to meet.

Although the protection of children included in the legal, health care and educational systems, as well as in the police and social protection system, has been raised to a higher level, the children who live and work on the street and are engaged in begging are not able to access these rights and protection. By such discriminatory approach to the children who belong to extremely marginalised groups, the state enhances their vulnerability, which is confirmed by children and experts dealing with them.

Lack of field activities and provision of measures and services aimed at alleviating damage suffered by children involved in life and work on the street and engaged in begging

Despite recognising that these children are most susceptible to various forms of abuse and exploitation by organised groups involved in trafficking in human beings, prostitution, distribution and sale of psychoactive substances, organised begging and other criminal activities, they are not protected by either the social protection system or the police, or any other system (prosecution, courts) due to the problems of identification, lack of personal documents and **failure to recognise the status of victim to these children.**

Although all the governmental experts are familiar with the multiple vulnerability of life, physical health and development of begging children because of staying on the street for a long time and exposure to various risks, such as being injured in traffic, violent behaviour of adults towards them, risky behaviour including abuse of psychoactive substances, prostitution and involvement into criminal activities, state authorities and institutions do not perform field work and do not have organised field activities consisting of direct provision of protection services and mitigation of damage on the spot (through humanitarian assistance consisting of the provision of adequate food, clothes, hygiene articles, medical check-ups and medical services and education on the protection from risky behaviours, etc.).

In the Republic of Serbia, only the civil sector provides direct (field) services and applies measures for mitigating damage caused by their long-term life and stay on the street and engagement in begging. However, although they perform this

important role, these organisations do not receive funds for their work from the budget of local self-government units and/or the state budget.

Incomplete and inadequate legal framework for suppressing and preventing child begging

The regulations that determine begging as misdemeanour do not provide a legal definition of this term. Taking into account differences among authorities, but also the experts of the same authority, with respect to what is considered to be begging, the application of law on cases of begging may vary significantly in different authorities, and these differences are not based on legislation but on the free interpretation of a decision maker.

The regulations that establish begging as misdemeanour do not contain any special norms for cases where the misdemeanour of begging is committed by a child and the provisions on liability of legal entities that are the begging child's guardians have not been applied in practice.

The children who beg do not have a clearly recognised status of the victim of exploitation, violence, abuse and neglect, either in regulations or in practice. On the contrary, the children over 14 are considered misdemeanour offenders and become legitimate subjects to police and communal police powers and may undergo criminal procedures in which penalties are pronounced.

The child's leaving and entering the Republic of Serbia is not regulated by law. The child does not need any document, apart from the valid travel document, to cross the state border accompanied by a person other than his/her parent/guardian. It is left to discretion of authorised officers to decide in which cases they will check whether the child's border crossing is the matter of criminal offence.

The laws of the Republic of Serbia are not harmonised with the international instruments ratified by the Republic of Serbia, which obligate the signatory states to ensure legal and administrative measures for protecting children from all forms of exploitation and violence.

Child begging is always and without an exception a form of child exploitation, abuse and neglect. Exposed to daily threat to their life and health and risks of becoming victims of trafficking in human being, excluded from regular education, an adequate family environment, peer groups, with the assumed adult responsibility for their own existence and the existence of their families, deprived of most activities that accompany a healthy childhood and the period of growing up, the children who beg are deprived in all segments of their lives and their proper development and welfare are endangered permanently and in multiple ways.

Insufficient capacities, inadequate competences and measures of governmental and non-governmental sectors in suppressing and preventing child begging

The capacities of authorities and institutions responsible for prevention and suppression of child begging are insufficient, both with respect to material resources and the number of employees, their knowledge and qualifications for work with begging children. This fact significantly hinders the planning and implementation of preventive activities and contributes to the undertaking of inefficient and inappropriate measures.

There are no professional standards that determine the actions of state authorities and institutions in child begging cases. In cases where certain measures are undertaken, they are disorganised, unsystematic and random. The effects of the undertaken measures are neither followed up nor analysed. Where data do exist, they show that most begging children with respect to whom the legally prescribed measures have been taken return to the street and continue begging. The criminalisation and penalisation of begging children and their parents has not reduced the number of “street children” or incidence of child begging.

The authorities and institutions do not recognise their role in the prevention of child begging. They consider that they are responsible for reactive activities only, mainly protective ones, and to a somewhat lesser extent, for repressive activities. In accordance with this view, the measures of competent authorities and institutions are in the function of response to child begging and they are not focused on the causes of begging. Preventive measures, those that are available and can have a certain effect on the causes of child begging (such as material assistance), are taken on a small scale.

The competent authorities and institutions fail to assume a proactive approach in working with begging children and their families and to perform field work, which leads to the situation that they are not sufficiently informed about the phenomenon of child begging.

What is also lacking is the engagement of local self-government to provide, in line with its competences and available funds, financial and other assistance to local authorities, institutions and non-governmental organisations for the activities they undertake in order to prevent child begging and protect children involved in begging.

Lack of multi-disciplinary and inter-sector cooperation and coordination of actions

There is no meaningful cooperation among authorities and institutions since it is reduced to “servicing” and providing occasional information. The information flow is usually one-way and there are no joint activities. The systems through which the begging child passes are closed and there is **no flow of information** among them. One system does not receive feedback from other systems to which they “handed

over” the child who begs, and since they do not have necessary information on what has happened to the child, they are not able to evaluate the measures that have been undertaken.

The cooperation of authorities and institutions with the civil sector is at a rather low level, even with those civil society organisations that deal with begging children and can be an important resource in the prevention of child begging.

Lack of cooperation between the standard-prescribing systems and the systems implementing these standards

There is neither “vertical” nor “horizontal” cooperation between the ministries, as systems that establish and prescribe policies and standards of work, and those lower instances that implement them (social protection institutions, police stations and departments). For that reason, there is a gap between the adopted strategies, rules and standards in the field of child protection and their practical implementation and daily work of state authorities and institutions.

Responsibility for child labour and child begging lies on all people – **except on children**. The cultural and social milieu and economic circumstances in which the families of begging children live do not release them from responsibility for proper growing and development of their children. However, the fulfilment of their parental duties requires an intensive support of state and society, which is currently sporadic and unsystematic, burdened with numerous requirements that these families cannot meet. **The state’s responsibility is manifold:** it is obliged to give necessary assistance and support to the parents who provide immediate care for children in fulfilling their parental duties; it is an alternative “guardian” for children without parents or children who are at risk in their parental family; and it is obliged to protect the child from violence, abuse, neglect and exploitation.

RECOMMENDATIONS

Based on the research findings about the characteristics and prevalence of child begging in Serbia, established shortcomings, difficulties and challenges in the work of governmental and civil sectors on suppressing and preventing the phenomenon of child begging, as well as taking into account the obligations that the state has undertaken by signing international instruments in the field of child’s right and protection of children from vulnerable groups and children victims of exclusion, neglect, abuse, maltreatment and exploitation, the recommendations are organised by key topics and entities responsible for solving the related issues.

I

The Council for Child Rights should prepare and the Government of the Republic of Serbia should adopt a comprehensive national strategy for the protection of children

involved in street life and/or work in order to define standards and principles, general guidelines, competent national bodies and mechanisms for suppressing, preventing and eradicating life and work of children on the street and all forms of abuse and exploitation of children.

The national strategy should define mechanisms for exercising and protecting the rights of children whose life and work take place on the street ("street children") to personal identity, health care, education, social protection and access to state authorities and public services.

In developing the national strategy, the highest possible level of participation of street involved children should be ensured and their perspective should be included in strategic planning.

II

The Republic of Serbia should adopt a protocol for the protection of children involved in street life and/or work ("street children"), which would determine the competences, measures, actions and activities of state authorities, authorities of territorial autonomies and local self-governments and public services, the manner of exhaustive exchange of information, responsibilities, mechanisms for controlling, implementation monitoring and evaluation of undertaken measures, and would define expert teams for their implementation and a body to coordinate their actions and joint activities.

III

The National Assembly of the Republic of Serbia should include on the agenda the consideration of the proposed Law on Child Rights that will be submitted by the Protector of Citizens in accordance with his powers.

IV

The Ministry of Justice and the Ministry of Interior should amend the existing regulations that govern misdemeanours and misdemeanour procedure in order to exclude the misdemeanour liability of children (persons under the age of 18) for begging and vagrancy and to recognise to the child involved in begging the status of an injured party in the misdemeanour of begging and vagrancy.

V

The Ministry of Justice, the Ministry of Interior and the Ministry of Labour and Social Policy should amend the existing regulations that govern record keeping in order to establish the ways of identifying child begging and child labour, define indicators for monitoring this phenomenon and ensure thorough monitoring of child begging cases.

VI

The Ministry of Interior should amend the existing regulations that govern the crossing of state border in order to regulate the way in which children (persons under the age of 18) may cross the state border alone or accompanied by persons other than their parents or guardians.

VII

The Ministry of Human and Minority Rights, Public Administration and Local Self-Government should amend the regulations that govern the competences, powers and tasks of communal police in order to prescribe the mandatory training of communal police officers for work with children, and in particular the children involved in street life and/or work.

VIII

The Ministry of Justice, the Ministry of Interior, the Ministry of Labour and Social Policy, the Ministry of Health and the Ministry of Education and Science should modify the existing expert educational programmes on the implementation of the General and Special Protocols on Child Protection from Abuse and Neglect to include the training on working with children involved in street life and/or work ("street children") and develop special programmes for the education of experts on the work and life of "street children".

IX

The Council for Child Rights of the Government of the Republic of Serbia should organise a national campaign in order to draw attention of the general public and experts to child begging and inform them about the risks and vulnerability of children engaged in begging and consequences of their life and work on the street.

The national campaign should particularly promote the importance of early childhood and high-quality early interventions, as well as poverty reduction for all children, with the aim of preventing and eradicating child begging.

X

In planning their budgets, local self-government units should consider the possibility of earmarking the funds for supporting civil society organisations in their activities aimed at protecting and assisting "street children", suppressing and preventing child begging and protecting children involved in begging, independently or in cooperation with state authorities and public services.

XI

The Ministry of Labour and Social Policy, the Ministry of Education and Science, the Ministry of Interior, the Ministry of Health and local self-government units should plan, organise and, through local authorities and institutions, perform the actions of approaching the children who beg, “entering” their settlements and working in the field in order to promote and inform them about the services that children involved in begging can get and the rights they can exercise.

XII

The Ministry of Human and Minority Rights, Public Administration and Local Self-Government, the Ministry of Interior, the Ministry of Labour and Social Policy, the Ministry of Health and the Ministry of Education and Science should collect and prepare examples of good practice and design materials for experts, as well as materials (brochures, fliers, etc.) for children involved in begging and their parents in inform them about the risks and consequences that staying and working for a long time on the street may have on children’s life and development.

**It’s awful to beg.
A child, Niš**

**It was six year ago, I was 6 and we did not have any food at home.
A child, Belgrade**

**It happened to me that a man beat me up for asking money.
A child, Novi Sad**

**My mom receives social assistance and that’s why she is afraid I will be caught
because they would never let me go.
A child, Belgrade**

**Police officers believe more what children are saying than what adults tell them.
A child, Belgrade**

**I would never let my children beg.
A child, Niš**