

Challenges to Preliminary Identification of “Victims” of Forced Marriage and Forced Begging in Serbia: **Recommendations** to Anti-Trafficking Policy Actors

By Jelena Jovanović

State-of-the field

In the first phase of my research (“Exploring ‘Vulnerability of Roma’ in the Anti-Human Trafficking Policy Discourse in Serbia”¹), I interviewed anti-trafficking policy actors active on *the national level*.² One of the main findings is related to Serbian state institutions on *the local level*, which are criticized by many of the interviewed national policy actors for **not identifying Romani victims of trafficking**. In general, the interviewed national policy actors are convinced that *discrimination* (sometimes explicitly *racism*) prevents local level state institutions, especially *schools* and *social care centers*, from identifying Romani victims of trafficking. Firstly, they argue that **local actors relate forced marriage and forced begging, the trafficking forms most frequently associated with Roma, with ‘Romani culture’**. They assert that this is a misconception or rather a not-very-creative excuse. Secondly, some of the national policy actors state that **local policy actors “have no idea what to do”**. This consequently raises issues concerning *the lack of both local knowledge (regarding the contexts of Romani communities) and instructions from “above”*

1 For more about this research project, see: <https://cps.ceu.edu/research/roma-anti-trafficking-policies>, last accessed November 2, 2015.

2 For more on the findings of the first research phase, see the policy paper: Jovanović, J. (2015), “Vulnerability of Roma’ in Policy Discourse on Combatting Trafficking in Human Beings in Serbia: Perspectives of the National Policy Actors”, available at <https://cps.ceu.edu/sites/default/files/publications/cps-working-paper-osi-ttf-vulnerability-of-roma-2015.pdf> and the policy brief: Jovanović, J. (2015), “Vulnerability of Roma’ and Anti-Human Trafficking Policies in Serbia: Recommendations to the National Policy Network”, available at <https://cps.ceu.edu/sites/default/files/publications/cps-policy-brief-osi-ttf-vulnerability-of-roma-2015.pdf>, last accessed November 2, 2015.

on how to act when faced with potential cases of trafficking. Further, a **lack of productive communication between national anti-trafficking and Romani policy actors** has resulted in the grievous treatment of concept ‘trafficking in Roma’ in the Strategy for Improvement of the Status of Roma in the Republic of Serbia.³ This is just one of the results that have led me to the conclusion that the lack of productive communication between anti-trafficking and Romani policy actors might negatively affect the process of policy implementation as well.

The second phase of my research examines the key findings of the first phase (highlighted above), through studying the local-level anti-trafficking discourse and practice.⁴ I conducted structured and semi-structured interviews with local anti-trafficking policy actors: representatives of social care centers, health care institutions, police authorities, foster homes, non-governmental organizations, as well as several elementary school directors, Romani teacher assistants⁵ and a school psychologist.

The second phase primarily focuses on “**preliminary identification**” - consisting of “the initial screening of a case of a presumed trafficked person”.⁶ Additionally, preliminary identification implies “*measures* targeted towards search and discovery of presumed victims of trafficking in environments considered conducive to trafficking”.⁷ The aim of highlighting challenges to preliminary identification is to see what dynamics contribute to the presumably low number of identified Romani victims and to understand the implications of this dynamics on the anti-trafficking policy implementation. The focus is both on *conceptual challenges* and *institutional challenges* to preliminary identification. This research phase is a search for problems connected with preliminary identification specific to the context of Serbia, as well as trafficking forms associated with Roma – **forced marriage and forced begging**.

3 Ministry for Human and Minority Rights of the Republic of Serbia (2010), “Strategy for Improvement of the Status of Roma in the Republic of Serbia”, available at <http://www.inkluzija.gov.rs/wp-content/uploads/2010/03/Strategija-EN-web-FINAL.pdf>, last accessed November 2, 2015.

4 This policy brief is based on the policy paper: Jovanović, J. (2015), “Challenges to Preliminary Identification of Romani ‘Victims of Trafficking’: The Serbian Case”, Budapest: CEU Center for Policy Studies; 2015, available at <https://cps.ceu.edu/publications/working-papers/romani-victims-of-trafficking>.

5 The Roma Teaching Assistant Program started in Serbia in 2002 and is the main program targeting Roma inclusion in education. For more information about the program, see: Battaglia, M. and Lara Lebedinski (2011), “Equal access to education: An Evaluation of the Roma Teaching Assistant Programme in Serbia”, available at http://www.edge-page.net/papers2011/Paper_BATTAGLIALEBEDINSKI.pdf, last accessed November 2, 2015.

6 De Gasperis, M. T. ed. (2011), “Developing agreed methodology of identification and referral for trafficking for labour exploitation: guaranteeing the victims the access to protection”, available at http://www.ccme.be/fileadmin/filer/ccme/20_Areas_of_Work/10_Slavery___Anti-Trafficking/2013-05-15-MIRROR_English.pdf, last accessed November 2, 2015, p. 35.

7 Fomina, T. et al (2012), “Regional Guidelines for the Identification of Trafficked Persons: a manual for South-Eastern and Eastern Europe», available at http://www.ariadnet.net/pdfs/Identification_manual_final.pdf, last accessed November 2, 2015, p. 10.

Why is it essential to bring local knowledge concerning the preliminary identification of specific trafficking forms – forced marriage and forced begging – into the anti-trafficking debate?

Academics point out that there are many definitions of trafficking, but that they “are too ambiguous for practical identification of victims”.⁸ Saša Mijalković, referring to the Serbian context, supports this argument by asserting that the lack of research does not help us find out what trafficking means.⁹ However, he adds that the lack of understanding of the concept of trafficking affects the lack of identification of trafficking cases, which only further instigates the increase in the number of victims.¹⁰ Internationally, the policy discourse does understand the lack of identification of trafficking victims as a decisive issue in combating human trafficking, but critical research emphasizes that this is an *assumed* problem since there is no study to prove it.¹¹

Lead primarily by Ronald Weitzer’s work, I argue that the lack of identified victims of forced marriage and forced begging is yet another popular assumption, which we cannot be concerned with before first realizing *what the actual phenomena whose “victims” we want to identify represent*. While there is no contextualized academic research, which would examine *forced marriage* and *forced begging* in relation to the trafficking in South-Eastern Europe, national policies in the region generally define these concepts as forms of trafficking in human beings. This is also the case in Serbia. Consequently, the Center for Human Trafficking Victim Protection officially identifies people as victims of forced marriage and forced begging.¹² However, this results in a situation in which we have been identifying “victims” of something we have not even had a chance to understand.

Until now, the Serbian anti-trafficking mechanism has used the indicators developed by international anti-trafficking actors.¹³ Considering the fact that the indicators developed by international actors are detached from national contexts, it remains unclear how the identification based on these was even possible. Further, indicators of forced marriage are missing from the mentioned sets of indicators. The national anti-trafficking mechanism recently developed more contextualized indicators, among which

8 Tyldum, G. (2010), “Coping with Biases in Trafficking Data”, in Human Trafficking: New Directions for Research, IOM, available at https://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/IDM/workshops/ensuring_protection_070909/human_trafficking_new_directions_for_research.pdf, last accessed November 2, 2015, p. 35.

9 Mijalković, S. (2008), “Prepoznavanje trgovine ljudima i razlikovanje sličnih bezbednosnih fenomena” [Identification of Human Trafficking and Differentiation from Similar Security Phenomena], in *Prepoznavanje trgovine ljudima* [Identification of Human Trafficking], Galonja A. and Jovana Mihajlović (ed.), Beograd: Međunarodna organizacija za migracije (IOM), pp. 19-34.

10 Ibid.

11 Weitzer, R. (2014), “New Directions in Research on Human Trafficking”, in *ANNALS, AAPSS*, 653, pp. 6-24.

12 Center for Human Trafficking Victim Protection, available at <http://www.centarzztlj.rs/eng>, last accessed November 2, 2015.

13 Council of Europe (2013), GRETA (Group of Experts on Action against Trafficking in Human Beings), “Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia”, p. 37.

are also indicators of forced marriage.¹⁴ However, firstly, while the indicators of forced marriage are only referred to in the set of indicators developed for social care centers, it is considered that schools are more likely to make use of them and recognize “the victims of forced marriage”. Secondly, at least one of three indicators of forced marriage is conceptualized in a rather problematic manner: “a practiced custom of ‘bride-buying’ which involves ‘a compensation for buying’ that exceeds the usual acceptable and understandable, symbolic amount”¹⁵ is a definition that most of my interviewees on the local level would reject as one of forced marriage. A publication on anti-trafficking policies in Serbia did argue that “the **knowledge** [] on vulnerable social groups and risks of victimization is essential to a proper identification of indicators”.¹⁶ It is, therefore, clear why it would be important for anti-trafficking policy actors to take into account the fact that there are relevant preconditions for developing the indicators.

Main Findings and Recommendations to Anti-Trafficking Policy Actors

The examination of the local level enabled me to take a step forward into complexity of concepts of *forced marriage* and *forced begging*, both generally defined as forms of trafficking in human beings by international and Serbian anti-trafficking policies. My main finding is that the ways in which the specific anti-trafficking policy debates are framed have serious negative effects on Romani communities. Furthermore, there are structural problems which affect the institutions, and only add to the troubled anti-trafficking policy discourse and practice.

Conceptual Challenges to Identification: Forced Marriage

Serbian anti-trafficking policy discourse generally understands *forced marriage* as a form of human trafficking. The concept has frequently been mentioned in reports of national anti-trafficking institutions and organizations and in works of the most prominent authors.¹⁷ However, despite the fact that forced marriage is still outside the legislation

14 The indicators are available at <http://www.centarzztlj.rs/index.php/aktivnosti/item/65-objavljeni-indetifikatori-za-preliminarnu-identifikaciju-%C5%BEErtava-trgovine-ljudima>, last accessed November 2, 2015.

15 Available at <http://www.centarzztlj.rs/images/download/2015/Preliminarna%20identifikacija%20-%20socijalna%20zastita%20-%20deca.pdf>, last accessed November 2, 2015.

16 Galonja, A. and Slađana Jovanović (2011), “Zaštita žrtava i prevencija trgovine ljudima u Srbiji” [Victim Protection and Prevention of Human Trafficking in Serbia], Beograd: Zajednički program UNHCR, UNODC i IOM za borbu protiv trgovine ljudima u Srbiji, p. 20.

17 See, for example: Morača, T. et al. (2013), “Lokalne zajednice u borbi protiv trgovine ljudima” [Local Communities in Combatting Human Trafficking], Beograd: Atina; Anđelković M. et al. (2011), “Trgovina ljudima u Republici Srbiji: Izveštaj za period 2000–2010” [Human Trafficking in the Republic of Serbia: The Report for the period 2000-2010], available at <http://www.astra.org.rs/wp-content/uploads/2008/07/palermo-2010-SRP-web.pdf>; Galonja A. and Slađana Jovanović (2011), “Zaštita žrtava i prevencija trgovine ljudima u Srbiji” [Victim Protection and Prevention of Human Trafficking in Serbia], Beograd: Zajednički program UNHCR, UNODC i IOM za borbu protiv trgovine ljudima u Srbiji; Nikolić Ristanović et al. (2004), “Trgovina ljudima u Srbiji” [Human Trafficking in Serbia], available at <http://www.osce.org/sr/srbia/34951?download=true>, last accessed November 2, 2015.

and relevant national strategies, the Center for Human Trafficking Victim Protection formally identifies victims of forced marriage every year. One victim has been identified this year (until June), four victims in 2014, ten in 2013 and seven in 2012.¹⁸

My research indicates that the major trouble in this situation is not the lack of identification, which I define as one of popular assumptions regarding forced marriage. This has been poorly understood by both national and international policy actors. The first and the most accurate question to ask is – **What do we (want to) identify?** While the concept of *forced marriage* is, as said, generally defined as trafficking by the international and national anti-trafficking discourse, I found out that it does not even belong to the local knowledge. Instead, the local policy actors' knowledge raised the following questions: *What is meant by forced marriage and what is it that defines forced marriage as trafficking* – is it the issue of age, the issue of consent, the involvement of money or assumed risk of exploitation in a new family?

The problem is that anti-trafficking policy actors on the national level have internalized the discourse of the international community. National anti-trafficking policies were created without taking the local knowledge into account, which represents a clear top-down policy approach. National policy actors tried to transfer the concept of *forced marriage* to the local level, but they did not succeed. Even when the local policy actors use the term ‘forced marriage’ (they mostly talk about *early* (and) *arranged* marriage), different understandings of the concept reveal disagreements between national and local anti-trafficking policy actors, on the one hand, and among local policy actors, on the other. Most importantly, the local knowledge generally does not define forced marriage as a form of human trafficking. Furthermore, the local knowledge goes against popular claims of international and national anti-trafficking policy actors. *Romani girls get married at the age of twelve; Romani girls are not aware that they can resist; Romani girls are not being identified as victims of forced marriage because local policy actors think that this is about culture*, and other popular claims are the result of both the lack of appreciation for the local knowledge by international and national actors and the lack of micro-level research.

Although the concept is either rejected by, unknown or at least unclear to literally anyone I talked to about trafficking on the local level, it has undoubtedly entered the anti-trafficking practice. Thus, the victims of forced marriage are identified each year, even though national anti-trafficking actors themselves do not know what *forced marriage* implies. For example, the Center for Human Trafficking Victim Protection, while formally identifying “victims”, admits that they have a dilemma about “what trafficking actually is when it comes to forced marriages”.¹⁹

18 Available at <http://www.centarzztlj.rs/index.php/statistika>, last accessed November 2, 2015.

19 Cited from the radio program “U središtu pažnje”, available at <http://www.rts.rs/page/radio/sr/story/23/Radio+Beograd+1/1984675/U+sredi%C5%A1tu+pa%C5%BEenje.html>, last accessed November 2, 2015.

Recommendations

- International and national anti-trafficking policy actors should problematize the fact that “victims of forced marriage” are being identified despite the lack of a unified or at least prevalent understanding of the concept, which is noticeable on all three levels – international, national and local.
- International and national anti-trafficking policy actors should reconsider defining *forced marriage* as a form of trafficking in human beings.
- International and national anti-trafficking policy actors should problematize the fact that “victims of forced marriage” are being identified despite the lack of policy and legislative framework.
- Contextualized knowledge of local policy actors, especially of those who work closely with Romani communities, has to be brought both to the processes of anti-trafficking policymaking and implementation

Contextualized knowledge of local policy actors, especially of those who work

The concept of *forced begging* is similarly troubled. Within the Serbian anti-trafficking policy discourse on the national level, forced begging is generally understood as a form of human trafficking. Similarly to the case of forced marriage, it is always mentioned in reports of national anti-trafficking organizations and works of the most prominent authors. Apart from the Strategy for Improvement of the Status of Roma in the Republic of Serbia²⁰, forced begging is a concept which is present in the most relevant national policy document - National Strategy to Prevent and Suppress Trafficking in Persons, Especially Women and Children²¹ and the Criminal Law.²² The Center for Human Trafficking Victim Protection formally identifies victims of forced begging every year: one victim has been identified this year (until June), three victims in 2014, eleven in 2013 and fourteen in 2012.²³

20 Ministry for Human and Minority Rights of the Republic of Serbia (2010), “Strategy for Improvement of the Status of Roma in the Republic of Serbia”, available at <http://www.inkluzija.gov.rs/wp-content/uploads/2010/03/Strategija-EN-web-FINAL.pdf>, last accessed November 2, 2015.

21 Ministry of Internal Affairs of the Republic of Serbia (2013), “National Strategy to Prevent and Suppress Trafficking in Persons, Especially Women and Children (2014-2020)” (draft proposal), available at http://www.seio.gov.rs/upload/documents/ekspertske%20misije/national_strategy.pdf, last accessed November 2, 2015.

22 Krivični Zakonik, član 388 [Article 388 of the Criminal Law], available at http://www.paragraf.rs/propisi/krivicni_zakonik.html, last accessed November 2, 2015.

23 Available at <http://www.centarzztlj.rs/index.php/statistika>, last accessed November 2, 2015.

Research on begging indicates that professionals in South-Eastern Europe “lack clear and unambiguous grasp and use of this term”.²⁴ *Forced begging* is a concept derived from *begging* and it therefore brings even more complexities to its meaning. Indeed, if the professionals lack the knowledge on *begging*, we must question their knowledge of the concept *forced begging* as well.

I found that *begging* and *forced begging* (just like *early*, *arranged* and *forced marriage*) are used interchangeably in international, national and local level policy discourses. The analysis of the interviews shows that the major trouble is racism which lies at heart of the discourses of local anti-trafficking policy actors on both concepts. De-ethnicization of (forced) begging overlooks structural inequalities visible in (even if assumed) the percentage of Romani people engaged in begging, which is, according to my interviewees, almost 100 percent. An illustrative example is putting *begging* under the umbrella of *work exploitation* and pointing out that “many people in Serbia face work exploitation” and that we cannot “declare the whole [Serbian] nation as trafficking victims”. Another textbook-example of racist discourse is related to “gypsy criminality” and anti-development discourse, both of which create arguments against any kind of intervention to help Roma.

Furthermore, the focus of the anti-trafficking debate on (forced) begging is on those citizens who are “disturbed” and whose lives are “endangered” because of children who beg/work on the streets. Even if an interviewee mentions that lives of the children involved in this activity are at risk (which happened only once!), the risk is said to be caused by the children themselves. Even in sociological definitions of begging, it is the citizens from whom the children ask money rather than the children who are considered endangered. Sociologists define begging mostly as “a social deviance and social problem, which includes gaining material benefit by asking for money from other persons, with no intention to reimburse money or provide the service in return”.²⁵ Another author defines begging as a form of gaining material benefits by using people’s sense of compassion towards the people who are involved in it.²⁶

Moreover, discourses of my interviewees are very much exotic, especially those of the social protection system employees. For example, an interviewee states: “This is a nice life for children. You get money. You get ice cream. I think that they are a little bit forced to do it and that after that they start enjoying it. It becomes their life-style”. However, the reports show a different situation: “[t]he children who beg and live on the street are

24 Save the Children (2011), “Regional Report on Child Begging: Prevalence, Prevention and Suppression of Child Begging”, available at <http://resourcecentre.savethechildren.se/sites/default/files/documents/5495.pdf>, last access November 2, 2015, p. 12.

25 Milosavljević, M. (2003), “Devijacije i društvo”, Belgrade: Draganić, cited in Save the Children (2011), *Regional Report on Child Begging: Prevalence, Prevention and Suppression of Child Begging*, available at <http://resourcecentre.savethechildren.se/sites/default/files/documents/5495.pdf>, last accessed November 2, 2015, p. 12.

26 Jugović, A. (2009), “Posjaćenje i skitnja kao socijalni i bezbednosti problem” [Begging and Vagrancy as Social and Security Problem], *Nauka, bezbednost, policija*, vol 14, br. 3, pp. 153-173.

exposed to risk of becoming economically and sexually exploited, enslaved or trafficked. These children spend their childhoods on the street, living under terrible conditions”, argues Save the Children.²⁷ Therefore, the existing research shows that the voices of these children seem to strongly oppose the opinions of the mentioned interviewees. In addition, my research shows that the children’s families are not considered as those in need of support either. Parents who are drug users, for example, are seen as exploiters, perpetrators, but never as addicts in need of support. Therefore, as we can see, one of the burning issues is the lack of so-called victim-centered approach.

Finally, there are differences between discourses of Romani and non-Romani interviewees, which are mostly connected with discourses on Roma in relation to work. For example, while the non-Roma do not mention involvement of Roma children in work, the Roma do. Furthermore, while the Romani policy actors extend the meaning of begging to non-Romani children, the non-Romani actors see exclusively non-Romani children as workers. These represent major differences in the opinions of the Romani and non-Romani local policy actors regarding the risk factors of (forced) begging.

One of the key issues is also *redefining forced begging as abuse and neglect*. A social worker argues: “Forced begging is more about the abuse by parents. [] When there is a situation that children’s begging is [organized] by parents, proceedings for *abuse* against their parents are initiated”. A police officer argues that “begging is more within the family, it is more about neglect” and that they “didn’t have a trafficking case of begging”. Many other interviewees, even when they use ‘forced begging’, do not think it should be defined as trafficking.

Recommendations

- Anti-trafficking policy actors should strongly challenge the racist discourse on children engaged in (forced) begging.
- Anti-trafficking policy actors should reconceptualize (forced) begging by paying attention to both children and their families, in order to embrace the victim-centered approach.
- Anti-trafficking policy actors should put efforts into understanding (*forced*) begging in the context of *abuse* and *neglect*, by including the knowledge of local anti-trafficking policy actors, while reconsidering the definition of forced begging as a trafficking form (forced begging is still understood by the local policy actors as a trafficking form when it is about “an organized criminal activity”).
- Both Romani and non-Romani local policy actors should become an integral part of local, national and international anti-trafficking policymaking and implementation mechanisms.

²⁷ Save the Children (2011), “Regional Report on Child Begging: Prevalence, Prevention and Suppression of Child Begging”, available at <http://resourcecentre.savethechildren.se/sites/default/files/documents/5495.pdf>, last access November 2, 2015, p. 14.

Institutional Challenges

Schools

When they suspect a trafficking case, school employees sometimes inform social care centers. However, the emphasis is on *sometimes*. An interviewed school employee tells a story about a girl who informed her school that “they want to marry her off”. The school talked to the father, “trying to change his mind”. None of the institutions were informed about this, as my interviewee openly says. The girl finished grade 5 (!) and never showed up at school again. This was the only time a school admits they did not act. Most of the time, the interviewed school representatives state that they inform social care centers in case they know or suspect that a child is forced into marriage or begging. However, since they do not receive any feedback, they do not know what happens after they report potential cases of forced marriage and forced begging.

When a child is missing from school, the emphasis is on to proceed according to the law, to meet procedural requirements, and not on considering children’s absences from school as one of the indicators for detecting potential trafficking cases. In addition, the identification of trafficking cases is not a priority because the emerging concern is how to prevent the children who are away for some months, since many families go to seek asylum in the West, from dropping out once (if) they are back.

According to many of the interviewed representatives of other state institutions and nongovernmental organizations, school employees do not react every time a child is missing from school because it is in their best interest to have a sufficient number of students so they do not lose their quotas and consequently their jobs. In addition, it is said that it is in the school employees’ interest to work with fewer children. Since the children who drop out are most frequently children who need additional support, teachers will have “fewer headaches” without them. It also happens that schools issue a form stating that a child attends school even if this is not the case, under the excuse of positive discrimination, for a Romani family to get child benefit, for example. That Serbian schools do not act responsibly towards children missing from school is also argued by the interviewees who state that schools sometimes do not react at all because they assume that a child went with its family to seek asylum, even if this is not the case. The lack of knowledge of the national anti-trafficking mechanism is obvious – for example, some of the interviewed school employees even believe that they cannot do anything when a child is forced to get married.

Social Protection

One of the interviewees says me that once, when she reported a case of ‘early marriage’ to a social care center explaining to them that “this is illegal”, got an answer that social care centers could not intervene since “these are Romani customs and traditions”. The

interviewed employees of social care centers sometimes admit themselves that they need more instructions: “Yes, we got criticized for not recognizing arranged marriages as potential trafficking cases. [But] we do not have clear instructions what do to when it comes to arranged marriages”. Nevertheless, social care centers’ representatives argue that the lack of capacities is the main reason why they do not identify trafficking cases. They state that this is the reason why their employees go to the field only upon report. However, according to other interviewed institutions and the NGO sector, social care centers sometimes do not even react under those circumstances. Furthermore, some of my interviewees also argue that even if they do, they do not do their job properly. The lack of interest is the most frequent criticism of other interviewed local policy actors towards social care centers.

I argue that the lack of knowledge is obvious. Even the representatives of social care centers, who were part of anti-trafficking trainings and who are officially part of local anti-trafficking teams, do not know much about trafficking. For example, an interviewee says that “wish for a comfortable life” is the main risk factor, which only corresponds to the general public discourse on trafficking. Apart from the lack of knowledge, it is critical to resolve many contradictions. While a social worker states that they are not able to recognize if a marriage is forced or not and that they need instructions regarding the question of how to understand arranged marriage, at the same time she rejects the current mechanism - a centralized institution which decides if someone is a trafficking victim or not. The social workers also argue that there is no need for the shelters since there are not many identified victims, while at the same time assuming that trafficking victims are not being identified.

Social care centers, together with the police, define (forced) begging as “a disturbance of public peace and order”. Their conduct goes in two directions. They either “warn them [children/people engaged in begging] by telling them that what they are doing is not nice” or they put minor offence charges on them or their parents. If the children are younger than fourteen, it is their parents who are charged with offences. If they are older than fourteen, the children are being charged. Children under fourteen years old are treated as neglected/abused by parents. Something that I learned even during the first phase of the research is that there are still children older than fourteen who are considered and treated as offenders, as those who “disturb public peace and order”. My research proves that not only national, but also some local policy actors, know that the local institutions violate children’s rights. They themselves explicitly express this awareness. As they explain their conduct, they clarify the meaning of ‘minor’ and ‘child’ within the legal framework. Minors between the age of fourteen and sixteen are defined as “younger minors” by the Serbian legislation. Minors between sixteen and eighteen are defined as “older minors”. ‘Child’ is defined as a person younger than fourteen. Those older than fourteen are held criminally responsible. Therefore, Serbian legislation system

is not in line with the international legislation, which equals ‘child’ with ‘minor’. Apart from lacking the knowledge on trafficking, lacking capacities and interest in prioritizing the vulnerable, the legislation seems to be helping social care centers and the police in violating the rights of children.

Police

A police officer in charge of the anti-trafficking units is aware of the fact that their own conduct raises questions of the violation of children’s rights. The police officer argues that their own conduct, for example putting minor offense charges on children who wash car windshields acting according to the Traffic Law or under the Identity Card Law, if they do not own an ID, violates some other laws, such as those focusing on the protection of children’s rights. However, the police, similarly to the social care centers, focuses on pointing out the lack of capacities as the main challenge to the identification of trafficking victims. In the last two years, the anti-trafficking unit, which is also in charge of the issue of “illegal migration”, has been “pressured” to work on the latter. This is why the police “does not have the time” and this is why they “take these things over only in case something comes up” so they “have to deal with it urgently”.

Furthermore, as stated by the police, trafficking cases are difficult to prove, and if they are to open a case as a trafficking case, they would also have to face the risk of the case not being proven as a trafficking case, which means that people who are not guilty of charge would remain in the records. The police argue that “it does not make sense to open a case which will later be dismissed”. They explain that they experienced a situation when they initiated a case of forced begging as a case of trafficking and submitted it to the Public Prosecutor’s Office, which interrogates potential trafficking cases, but the Office dismissed it due to lack of evidence. One of the consequences of this situation is that potential trafficking cases are redefined as something else.

Moreover, the police officer argues that there is a disagreement between the police and public prosecutors on the one hand, and other national anti-trafficking actors, on the other. The Center for Human Trafficking Victim protection officially identifies people not only as *victims*, but also as *potential victims*. The prosecutors do not want to take cases if a person is identified as a potential victim. The police authority agrees with them. His reasoning goes in the direction of understanding all people as potential trafficking victims, thus denigrating the relevance of the official identification of people as potential victims.

Another institutional challenge to preliminary identification is related to the cooperation between social care centers and the police. Only two interviews with police authorities revealed different understandings of the police jurisdiction. As one policeman states, they cannot approach children on the streets without a social worker because of the risk of children’s rights violation. He is the only one participating in the interviews who

completely supports the social care centers’ arguments about the lack of capacities and explains that the lack of their capacities consequently affects the conduct of the police, thus contributing to the lack of capacity of the police. However, contrary to this view, another interviewed policeman states that the police actually can approach children on the streets without a social worker and that this is especially true for the police officers who are specially trained for working with children.

Very few anti-trafficking actors are critical towards the conduct of the police. Only one of them says that the police do not react upon report if a child is found alone on the street, based on her own experience of reporting a case: “We saw a child sleeping on the street. We called the police. They said they could not do anything about it and they did not show up”. Finally, the police corruption could be also defined as another institutional challenge, but it was mentioned only once.

Civil Society

Nongovernmental organizations generally have a completely different understanding of the best way to combat early/arrange/forced marriages and (forced) begging. According to them, the state should put its efforts into the development of communities, instead of policing them. They argue that parents would not force their children into marriage and begging if they were given proper support. In order to avoid policing of Romani parents, local NGOs generally do not identify Romani children as victims of trafficking. They are afraid that the state would take the children away from their parents, as well as that it would treat Romani parents as exploiters/traffickers/perpetrators. Consequently, only two cases were reported as cases of trafficking by my interviewees from the NGO sector.

Anti-Trafficking Partnerships

The institutions do not provide feedback to each other. For example, as mentioned, when schools report a case to social care centers, they never know what happens further. In addition, in case a child is missing from school, the school reports this to the School Authority at the municipal level, but as a school employee states, the school does not even know if the School Authority communicates with social care centers or they directly open cases at the Misdemeanor Court in order to charge the parents with minor offences.

My research shows that anti-trafficking partnerships generally do not function, but that there is a lot of potential in the alternative partnerships. For example, since social care centers are limited in their capacities, cooperation with Romani teacher assistants who are more frequently in the communities could equip them with information on the actual happenings in the context, and could help them get more knowledge on the phenomena such as early/arranged/forced marriages and begging/forced begging. A teacher assistant argues that she would like to be “used” and that the social care centers do not cooperate either with schools or NGOs, even though the social care centers I

interviewed argue the opposite. Nevertheless, according to my observation, alternative partnership potential is not used.

Although there are official local anti-trafficking networks in a form of multisectoral teams, they are not functional. Local institutions, such as schools, do not even know they officially exist. Moreover, local institutions and NGOs, which are relevant to anti-trafficking policy actors, have never heard about the Center for Human Trafficking Victim Protection.

Finally, it is important to mention that there are relevant institutions which should be part of not only local, but also the national anti-trafficking networks. However, their relevance was even explicitly rejected. During the first phase of my research, when I interviewed, among others, an anti-trafficking NGO, they strongly argued against the proposal of having the Office for Cooperation with Churches and Faith Communities, former Ministry of Religious Affairs, in the national anti-trafficking network. There was no argument provided at the time, but when I conducted interviews with a local Romani NGO, I realized where the proposal came from, as well as why it would be relevant for the Office to become part of the anti-trafficking mechanism. More specifically, two Romani NGO representatives argued that it is very important to cooperate with imams, Muslim religious leaders, because many early/arranged/forced marriages are being registered in mosques. This is obviously something that the national level anti-trafficking policy actors did not even consider before simply rejecting the idea.

Recommendations

- International and national anti-trafficking policy actors have to take into account the challenges to preliminary identification faced by local actors, such as: lack of capacities, lack of interest, lack of knowledge on both anti-trafficking policies and the context of Romani communities, and limited understanding of institutional responsibilities.
- Anti-trafficking policies have to become more complete and more accurate.
- Anti-trafficking policies have to be in line with the anti-trafficking legislation.
- Understandings of jurisdictions of the police should be urgently clarified in relation to their cooperation with social care centers.
- Anti-trafficking mechanisms have to be not only multisectoral, but also multilevel – the knowledge and practice on international, national, local and community levels should all become equally important elements of knowledge exchange.
- Criminalization of Romani children between fourteen and eighteen years old and Romani parents must be brought to the anti-trafficking agenda (and not only to the anti-trafficking agenda) as an emerging concern.

- The national policy actors should invite previously excluded anti-trafficking policy actors to the anti-trafficking network.
- The national policy actors should encourage local anti-trafficking actors to provide and seek feedback from each other.
- The national policy actors should strengthen existing formal anti-trafficking networks on the local level while simultaneously encouraging alternative partnerships, especially between social care centers and schools, as well as between social care centers and NGOs.



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ABOUT THE AUTHOR

Jelena Jovanovic is a Junior Researcher at the Center for Policy Studies of Central European University, and a fellowship recipient of the Roma Policy Fellowship program in the 2014/2015 Academic Year.