



## **FACTSHEET – SERBIA**

### **Lanzarote Committee Implementation Report on:**

**“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)”**

Last update: 25.05.2023

## Table of Content

I.	Introduction .....	3
II.	Legal frameworks.....	5
III.	Investigations and prosecution .....	7
IV.	Jurisdiction rules .....	10
V.	International cooperation .....	12
VI.	Assistance to victims.....	14
VII.	Civil society involvement and cooperation.....	15
VIII.	Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.....	17
IX.	Education for children .....	18
X.	Higher education curriculum and continuous training.....	20
XI.	Research .....	21

## I. Introduction

Protecting children from sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) is a common challenge faced by all States. The often transnational nature of these offences makes international cooperation of the utmost importance especially to identify and protect victims as well as to identify and prosecute perpetrators.

The Council of Europe [Convention on the Protection of Children against sexual exploitation and sexual abuse](#) (“Lanzarote Convention”) is a comprehensive instrument that sets out the applicable standards necessary to:

- Prevent child sexual exploitation and abuse, including where this is facilitated by ICTs;
- Protect victims;
- Prosecute perpetrators; and
- Promote national and international co-operation to strengthen these actions.

The [Committee of the Parties to the Lanzarote Convention](#) (“the Lanzarote Committee”) monitors the implementation of the Convention in thematic monitoring rounds. This allows for all Parties to be monitored simultaneously on the same theme.

Particularly concerned by the exponential increase in offences committed using child self-generated sexual images and/or videos (CSGSIV), the Lanzarote Committee decided to dedicate its second monitoring round to this topic. The 43 States that were Party to the Convention at the time the monitoring round was launched took part, including Serbia.

The [implementation report](#) adopted by the Lanzarote Committee in the context of this monitoring round is based on information provided by [State Parties](#) and [other stakeholders](#) in response to a questionnaire. The implementation report also contains information received from 306 [children](#) in 10 Parties who chose to participate.

The Lanzarote Committee’s recommendations to improve or reinforce the protection of children against sexual exploitation and sexual abuse can be found in boxes in each of the 10 thematic chapters. The key messages resulting from the children’s participation are also reflected throughout the whole report. Each chapter also includes examples of promising practices.

The Lanzarote Committee indicates the different levels of urgency applicable to the recommendations made by using the following terms:

- **“Require”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by its Explanatory report;
- **“Request”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by documents adopted by the Committee (e.g. previous monitoring round findings, opinions, other)<sup>1</sup>;
- **“Invite”**: when the steps recommended correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Lanzarote Convention.

This factsheet is based on the implementation report and has been prepared by the Lanzarote Committee Secretariat as a practical tool to be used by Serbia to clearly identify the relevant recommendations and actions addressed by the Lanzarote Committee to it. Therefore, it does not include updated information on measures implemented by the Parties since the adoption of the report in March 2022. Parties are

---

<sup>1</sup> See Rule 30 (General comments, proposals and opinions) of the Lanzarote Committee’s Rules of Procedure.

encouraged to inform the secretariat of any relevant measures implemented after that date, which may have an impact on the Committee's analysis and recommendations by completing this [online form](#) or by email to [lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int).

### **Key findings of the implementation report as to all Parties**

The Committee raised particular concerns that in the vast majority of State Parties, children are at risk of criminal liability in relation to their own self-generated materials, and that many Parties do not provide for the specific offence where a child is a victim of extortion involving the use of its CSGSIV.

Strengthening international cooperation was identified as of particular importance in this context, given that these offences often contain a transnational element. The Lanzarote Committee also called on Parties to establish jurisdiction where any constituent element of an offence takes place within their territory.

Many Parties were found to provide mechanisms to facilitate reporting of these crimes but without providing specific services to support and assist children who have been victims of online sexual abuse to recover. Lack of public awareness and education, including among children, about the specific risks associated with ICT facilitated sexual abuse and self-generated content was also identified as a common challenge.

## II. Legal frameworks

Interpreting the Convention, in conjunction with its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

### Observations and recommendations of the Committee on the legal framework specific to Serbia

#### Interplay of the age of criminal responsibility and the age of sexual consent in the criminalisation of children producing and possessing their own CSGSIV

The Committee observes that in Serbia, children who are below the age of criminal responsibility, which is the age of 14, and above the legal age for sexual activities cannot be held criminally liable for production and possession of CSGSIV.<sup>2</sup> However, the Committee notes that relying on the age of sexual consent, to exclude criminal responsibility for the scenarios listed in paragraphs 3-6 of the 2019 Opinion, is insufficient as, in such case, younger children may not be covered from the exemption of criminal responsibility.<sup>3</sup> It also highlights that particular attention must be paid where there is a gap between the age of criminal responsibility and the age of consent (particularly where the age of criminal responsibility is relatively low, or the age of sexual consent relatively high).<sup>4</sup>

- The Committee **requests** that Serbia ensures in its legal framework<sup>5</sup> that a child will not be prosecuted when he/she possesses:
  - their own self-generated sexually suggestive or explicit images and/or videos;
  - self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
  - the self-generated sexually suggestive or explicit

images and/or videos of another child as a result of receiving them passively without actively asking for them.<sup>6</sup>

#### Criminalisation of conduct related to “offering or making available” CSAM and its relationship with the sharing of their own other children’s self-generated material

The Committee observes that Serbia has rules that lead to the criminalisation of the distribution by children of their own CSGSIV or the CSGSIV of other children. In Serbia, distribution by children over the age of criminal responsibility of such material will be criminalised if the image/video is the result of exploitation of the child depicted in the self-generated material or if the child deliberately made available such material to other persons.<sup>7</sup>

The Committee **requests** that Serbia ensures that:

- a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary, consensual, and intended solely for their own private use.<sup>8</sup>
- the distribution or transmission by children of self-generated sexually explicit images and/or videos of other children is prosecuted as a last resort when such images and/or videos qualify as “child pornography” in accordance with Article 20(2) Lanzarote Convention.<sup>9</sup>

---

<sup>2</sup> Paras. 71, 73.

<sup>3</sup> Para. 73.

<sup>4</sup> Para.74.

<sup>5</sup> The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

<sup>6</sup> Recommendation II-6.

<sup>7</sup> Paras. 78, 82.

<sup>8</sup> Recommendation II-8.

<sup>9</sup> Recommendation II-9.

## Generic recommendations of the Committee on the legal framework

The Committee **invites** all Parties, including Serbia:

- acknowledging that the term “child pornography” can be misleading and undermine the gravity of the crimes it refers to, to rather use the term “child sexual abuse material” (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)<sup>10</sup> in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children.<sup>11</sup>
- to introduce explicit references in its legal framework to conduct concerning CSGSIV, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.<sup>12</sup>
- to introduce a definition of “CSAM for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child, following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)”.<sup>13</sup>
- to contemplate appropriate legal

responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Lanzarote Convention.<sup>14</sup>

- to adopt legislative or other measures which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos.<sup>15</sup>
- to consider criminalising the offence of “grooming” (solicitation of children for sexual purposes), even when it does not lead to a face-to-face meeting or producing child sexual abuse material.<sup>16</sup>
- to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional self-generated sexual images and/or videos, other sexual favours, a financial gain or other gain to the offenders by:
  - either creating a specific incrimination to address this situation,
  - or prosecuting both the initial detention of CSGSIV and the act of extortion.<sup>17</sup>
- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.<sup>18</sup>

---

<sup>10</sup> The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular.](#)

<sup>11</sup> Recommendation II-1.

<sup>12</sup> Recommendation II-2.

<sup>13</sup> Recommendation II-3.

<sup>14</sup> Recommendation II-4.

<sup>15</sup> Recommendation II-7.

<sup>16</sup> Recommendation II-10.

<sup>17</sup> Recommendation II-11.

<sup>18</sup> Recommendation II-12.

### III. Investigations and prosecution

In its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies](#) (ICTs) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

#### Observations and recommendations of the Committee on Investigations and Prosecution specific to Serbia

The Committee observes that Serbia's investigation, prosecution, and court units are already in line with some of its recommendations as Serbia has:

- specialised units dealing with ICT-facilitated offences against children within law enforcement, with some having more than one specialised unit.<sup>19</sup>
- prosecution offices dedicated to combating cybercrime that manages cases concerning sexual abuse or exploitation of children facilitated by ICTs.<sup>20</sup>
- courts or court units responsible for cybercrime. For example, the Higher Court in Belgrade is in charge of cybercrime cases for the territory of the Republic of Serbia.<sup>21</sup>
- specialised investigative units handling ICT facilitated sexual offences where these are committed by children.<sup>22</sup>
- specialised prosecution services which handle ICT facilitated sexual offences committed by children.<sup>23</sup>
- its own training programmes as well as external training opportunities available for prosecutors and judges.<sup>24</sup> Judges and prosecutors are trained together and/or have the same training options available to them.<sup>25</sup>
- the Serbian Judicial Academies, which implement basic and advanced training for prosecutors on high-tech crime and child internet safety in cooperation with Save the Children.<sup>26</sup>
- training courses for prosecutors

characterised by the multiplicity of resources available to prosecutors, including guides or online FAQs.<sup>27</sup>

On the other hand, the Committee observes that in Serbia, there is no advanced training or specialisation organised for judges on cybercrime.<sup>28</sup>

To improve the effective implementation of the Convention, the Committee **requires** Serbia:

- to ensure training on sexual offences against children to all law enforcement agents who are likely to come into contact with such cases, including front desk officers, rather than reserving it to specialised units.<sup>29</sup>
- to set-up victim identification function within law enforcement in charge of combating ICT facilitated sexual offences against children.<sup>30</sup>

Additionally, the Committee **requests** Serbia:

- to include ICT facilitated sexual offences against children in training of law enforcement agents who are likely to come into contact with such cases.<sup>31</sup>
- to ensure that training on ICT facilitated sexual offences against children is available for judges who are or will be working on these issues.<sup>32</sup>
- to take the necessary legislative or other measures, in conformity with the fundamental principles of their internal law, to ensure an

---

<sup>19</sup> Paras. 115.

<sup>20</sup> Para. 125.

<sup>21</sup> Para. 131.

<sup>22</sup> Para. 135.

<sup>23</sup> Para. 138.

<sup>24</sup> Paras. 156, 157, 158, 167.

<sup>25</sup> Para. 167.

<sup>26</sup> Paras. 159, 160, 164.

<sup>27</sup> Para. 162.

<sup>28</sup> Para. 168.

<sup>29</sup> Recommendation III-12.

<sup>30</sup> Recommendation III-23.

<sup>31</sup> Recommendation III-13.

<sup>32</sup> Recommendation III-18.

effective investigation and prosecution of ICT facilitated sexual offences against children, allowing, where appropriate, for the possibility of covert operations.<sup>33</sup>

The Committee also **invites** Serbia:

- to provide specific training<sup>34</sup> on ICT facilitated sexual offences against children, including when such offences involve CSGSIV, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.<sup>35</sup>
- to ensure that training on the challenges raised by CSGSIV and ICT- facilitated coercion or

extortion of children<sup>36</sup> is available to prosecutors and judges.<sup>37</sup>

- to offer joint (or “joined-up”) training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT-facilitated child sexual exploitation and sexual abuse, in order to ensure consistency at all stages.<sup>38</sup>
- to ensure that training on ICT-facilitated sexual offences against children for law-enforcement, prosecutors and judges contains a practical element, involving simulated or real cases.<sup>39</sup>

### Generic recommendations of the Committee on investigation and prosecution

#### On the specialisation and training of authorities:

- Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Committee **requests** those Parties that are not already doing so to ensure that law enforcement and prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.<sup>40</sup>

The Committee **invites** all Parties, including Serbia:

- to ensure that the capacities of any investigative unit specialised in ICT-facilitated sexual offences against children take into account evolving technologies and online behaviours and reflect current practices used by perpetrators. Additionally, the Committee invites all Parties to exchange best practices between the relevant investigative units.<sup>41</sup>
- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving CSGSIV.<sup>42</sup>

- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children’s rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.<sup>43</sup>

- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.<sup>44</sup>

#### On measures to ensure the effective investigation and prosecution:

- The Committee **requires** all Parties to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay.<sup>45</sup>

The Committee also **invites** all Parties, including Serbia:

- to ensure that measures, services and technology available to those in charge of identifying child victims of ICT-facilitated sexual offences are up to date, reflect current practices

<sup>33</sup> Recommendation III-28.

<sup>34</sup> Such trainings can also be part of broader training programmes.

<sup>35</sup> Recommendation III-14.

<sup>36</sup> Such trainings can also be part of broader training programmes.

<sup>37</sup> Recommendations III-17 and III-19.

<sup>38</sup> Recommendation III-20.

<sup>39</sup> Recommendation III-21.

<sup>40</sup> Recommendations III-3 and III-7.

<sup>41</sup> Recommendation III-4.

<sup>42</sup> Recommendation III-5.

<sup>43</sup> Recommendation III-9.

<sup>44</sup> Recommendation III-10.

<sup>45</sup> Recommendation III-30.



across Parties, including establishing and using national child abuse material databases, and that resources are sufficiently allocated.<sup>46</sup>

- to engage in and strengthen inter-Party cooperation for the purpose of identifying child victims and perpetrators of ICT facilitated sexual offences, including, where appropriate, by providing access to each other's databases or shared databases, including those containing information on such perpetrators.<sup>47</sup>
- to take the necessary legislative or other measures to ensure that preservation of

specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved.<sup>48</sup>

- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.<sup>49</sup>

---

<sup>46</sup> Recommendation III-24.

<sup>47</sup> Recommendations III-25, III-29.

<sup>48</sup> Recommendation III-31.

<sup>49</sup> Recommendation III-32.

## IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

### Observations and recommendations of the Committee on jurisdiction rules specific to Serbia

#### Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1)(a-c))

The Committee notes that Serbia has established laws clarifying the circumstances in which their national criminal law will apply to a transnational situation following the territoriality principle. In Serbia, both the active and passive personality principles apply. In addition, it applies universal jurisdiction to offences punishable by five years' imprisonment or a heavier penalty, pursuant to laws of the country of commission, if such person is found on the territory of Serbia and is not returned to the foreign state. However, unless otherwise provided, courts may not impose in such cases a penalty heavier than set out by the law of the country where the criminal offence was committed.<sup>50</sup>

- The Committee **requests** Serbia to take the necessary legislative or other measures to establish jurisdiction over transnational cases of child sexual exploitation and abuse facilitated by ICTs, when one of the constituent elements of the offence has taken place in their territory.<sup>51</sup>

#### Jurisdiction based on nationality and residency (Article 25(1)(d), (e))

The Committee observes that Serbia does not establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their habitual residence in their territory.<sup>52</sup>

- Therefore, the Committee **requires** Serbia to establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their

habitual residence in their territory.<sup>53</sup>

#### Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed (Article 25(6))

According to Article 25(6) of the Lanzarote Convention, with regard to the two aforementioned jurisdictional grounds (offence committed by one of their nationals or by a person who has his or her habitual residence in their territory), Parties shall take the necessary measures to ensure that jurisdiction is not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed for the prosecution of offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of child pornography (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21). The Committee observes that Serbia did not provide information as to whether it applies this condition.

- Therefore, the Committee **requires** Serbia to remove the requirement that prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed for offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of "child pornography" (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21), when committed by one of their nationals or by a person who has his or her habitual residence in

<sup>50</sup> Para. 214.

<sup>51</sup> Recommendation IV-1.

<sup>52</sup> Para. 217.

<sup>53</sup> Recommendation IV-4.

its territory.<sup>54</sup>

Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed: the dual criminality principle (Article 25(4))

The Committee observes that in Serbia, while a dual criminality requirement is not explicitly mentioned, the court cannot impose a penalty heavier than set out by the law of the country where the criminal offence was committed.<sup>55</sup>

- Therefore, the Committee **requires** Serbia to remove the requirement for dual criminality for offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of child pornography (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21), when committed by one of their nationals.<sup>56</sup>

#### **Generic recommendations of the Committee on the Jurisdiction rules**

The Committee **invites** Serbia to remove the requirement for dual criminality when committed by one of their nationals, for offences of:

- possessing, offering, distributing, transmitting, procuring child pornography, and

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))

The Committee observes that Serbia applies the passive personality principle in respect of offences committed against nationals.<sup>57</sup> However, it did not provide information as to whether it also applies this principle in respect of offences committed against habitual residents.

- Therefore, the Committee **requests** Parties that are not already doing so, including Serbia, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with the Lanzarote Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.<sup>58</sup>

the fact of knowingly gaining access to child pornography through ICTs, when CSGSIV are involved,<sup>59</sup>

- solicitation of children for sexual purposes.<sup>60</sup>

---

<sup>54</sup> Recommendation IV-5.

<sup>55</sup> Para. 222.

<sup>56</sup> Recommendation IV-6.

<sup>57</sup> Para.231.

<sup>58</sup> Recommendation IV-9.

<sup>59</sup> Recommendation IV-7.

<sup>60</sup> Recommendation IV-8.

## V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

### Observations of the Committee on international cooperation specific to Serbia

The Committee observes that WeProtect Global Alliance,<sup>61</sup> and ECPAT<sup>62</sup> conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Serbia.<sup>63</sup>

The Committee also observes that European law enforcement representatives from Serbia

attend the Europol's central training course "Combatting the Sexual Exploitation of Children on the Internet" (COSEC).<sup>64</sup>

Additionally, Serbia stated that victims can make a complaint in the diplomatic consular section of the Serbian embassy in the territory of another Party to the Convention.<sup>65</sup>

### Generic recommendations of the Committee on international cooperation

• On international cooperation, the Committee **requests** all Parties, including Serbia to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.<sup>66</sup>

The Committee **invites** all Parties, including Serbia:

• to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to CSGSIV.<sup>67</sup>

• to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Lanzarote Convention, in matters related to CSGSIV.<sup>68</sup>

• to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.<sup>69</sup>

• to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.<sup>70</sup>

• to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.<sup>71</sup>

• to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and

<sup>61</sup> <https://www.weprotect.org/>

<sup>62</sup> <https://ecpat.org/>

<sup>63</sup> Para. 255.

<sup>64</sup> Para. 259.

<sup>65</sup> Para. 269.

<sup>66</sup> Recommendation V-3.

<sup>67</sup> Recommendations V-6, V-11.

<sup>68</sup> Recommendations V-4, V-7, V-12, V-15.

<sup>69</sup> Recommendation V-5.

<sup>70</sup> Recommendations V-8, V-13.

<sup>71</sup> Recommendation V-9.

combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.<sup>72</sup>

- to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Lanzarote Convention, in investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement

agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to CSGSIV.<sup>73</sup>

- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to CSGSIV, in assistance programmes for development provided for the benefit of third States.<sup>74</sup>

---

<sup>72</sup> Recommendation V-10.

<sup>73</sup> Recommendations V-14, V-16.

<sup>74</sup> Recommendation V-19.

## VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

### Observations and recommendations of the Committee on assistance to victims specific to Serbia

The Committee observes that Serbia has no specific data on any dimension of the proportion of child victims in contexts of abuse facilitated by ICTs.<sup>75</sup>

Therefore, the Committee **requires** Serbia to take the necessary legislative or other measures:

- to encourage and support the establishment of information services, such as telephone or internet helplines, to provide advice to child victims of sexual exploitation and sexual abuse facilitated by ICTs as well as persons wishing to help them, in a confidential manner or

with due regard for their anonymity. Furthermore, these information services should be made available as widely as possible. This can be done in several ways: the service is available at extended hours, it is delivered in a language that the caller, especially the child, can understand, and it is free of charge.<sup>76</sup>

- to assist child victims of sexual exploitation and abuse, in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.<sup>77</sup>

### Generic recommendations of the Committee on assistance to victims

The Committee also **invites** all Parties, including Serbia:

- to promote awareness raising or specialised training for professionals who advise children through telephone or internet helplines on ICT-facilitated sexual exploitation and abuse of children –including the risks associated with CSGSIV– and how to provide appropriate support

to victims and to those who wish to help them.<sup>78</sup>

- to ensure that the assistance measures are available to child victims of sexual exploitation and abuse facilitated by ICTs, including of offences due to the production, possession, distribution or transmission of CSGSIV.<sup>79</sup>

---

<sup>75</sup> Para. 296.

<sup>76</sup> Recommendation VI-1.

<sup>77</sup> Recommendation VI-3.

<sup>78</sup> Recommendation VI-2.

<sup>79</sup> Recommendation VI-4.

## VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

### Observations of the Committee on civil society involvement and cooperation specific to Serbia

The Committee observes that in Serbia, apart from NGOs, helplines are the most involved civil society counterparts in the field of prevention and protection of child victims of sexual exploitation and sexual abuse.<sup>80</sup>

The Committee observes that Serbia supports, in the form of financial supports and grants,<sup>81</sup> the development of prevention activities by civil society which are aimed at raising the awareness of not only children but also adults such as parents, educators, doctors and social workers about existing risks and dangers of ICTs for children.<sup>82</sup> Other civil society projects in Serbia - whether or not carried out in cooperation with the State - aim at preventing abuses related to the sharing of CSGSIV are educational activities.<sup>83</sup>

On the other hand, the Committee observes that most victim assistance mechanisms in Serbia are limited to offering a helpline to report illegal material online or offences. Serbia provided no details as to the subjects it covers.<sup>84</sup>

The Committee also observes a **difficulty to implement the Convention** in Serbia, as the Coalition for Monitoring Child Rights notes the limited effectiveness of the referral mechanism for child victims of sexual exploitation crimes in general, which may result from the reluctance of children to file complaints for fear of stigmatisation, as well as the lack of efficient reintegration programmes for child victims.<sup>85</sup>

### Generic recommendations of the Committee on civil society involvement and cooperation

The Committee **invites** all Parties, including Serbia:

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of CSGSIV.<sup>86</sup>
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable

nature.<sup>87</sup>

- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives<sup>88</sup> and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards CSGSIV.<sup>89</sup>

### Promising practices

Many stakeholders report that civil society uses child-friendly and recreational material to convey preventive information. In Serbia, a youth theatre is showing two plays about CSGSIV and their possible misuse: "Children on the Internet" and "The guilty is somewhere there". The actors are teenagers, and they stage a situation where sharing this content leads the victim to the point of

<sup>80</sup> Para. 308.

<sup>81</sup> Para.310.

<sup>82</sup> Para.315.

<sup>83</sup> Paras. 321, 323.

<sup>84</sup> Para. 328.

<sup>85</sup> Para. 332.

<sup>86</sup> Recommendation VII-3.

<sup>87</sup> Recommendation VII-4.

<sup>88</sup> Parties are also invited to provide example(s) of how children's views are taken into account in the context of the participation of children.

<sup>89</sup> Recommendations VII-6, VII-7.

attempted suicide. Both plays are aimed at children and their parents.

Additionally, in Serbia helplines/hotlines work directly in cooperation with the Police or a Criminal investigation department, in order to report directly any suspicion of abuse.



## VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

### **Generic recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves**

The Committee **invites** Serbia:

- to ensure that explanations of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, with or without coercion, are included in the awareness-raising campaigns that they promote or conduct, whatever the target audience.<sup>90</sup>
- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is “adapted to their evolving capacity” or, in other words, their age and degree of maturity.<sup>91</sup>
- to use unchanged, wherever possible, the awareness-raising tools, materials and activities mentioned in this report or else to adapt them to their national contexts and their own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media.<sup>92</sup>
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.<sup>93</sup>
- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and foremost by their peers.<sup>94</sup>
- to promote themselves and to encourage the information and communication of the technology sector, the media, and other professionals to raise awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.<sup>95</sup>
- to step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.<sup>96</sup>
- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.<sup>97</sup>
- to take the necessary measures to ensure co-ordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.<sup>98</sup>

---

<sup>90</sup> Recommendation VIII-1.

<sup>91</sup> Recommendation VIII-2.

<sup>92</sup> Recommendation VIII-3.

<sup>93</sup> Recommendation VIII-4.

<sup>94</sup> Recommendation VIII-5.

<sup>95</sup> Recommendation VIII-6.

<sup>96</sup> Recommendation VIII-7.

<sup>97</sup> Recommendation VIII-8.

<sup>98</sup> Recommendation VIII-9.

## IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

### Observations and recommendation of the Committee on education for children specific to Serbia

The Committee observes **difficulties to implement the Convention** in Serbia, as, although information on sexual exploitation and sexual abuse and risks related with the CSGSIV is mentioned as being part of the national curriculum or other non-formal educational settings, it is not clear whether all children benefit from it. According to the Coalition for Monitoring Child Rights in Serbia, despite numerous different projects led by various stakeholders, these were fragmented and lack a coherent and systematic approach. They emphasized that preventive activities should be undertaken in schools in a more coherent manner through the adoption of a carefully developed curriculum so that all school-age children are aware of the risks of cyber space and how to protect themselves from them.<sup>99</sup> For instance, according to the NGO Astra, the Incest Trauma Center developed in 2016, together with the Ministry of Education, Science and Technological Development, educational packages for prevention of sexual abuse of children. These were eventually withdrawn due to a disagreement over part of the content of the packages. On the other hand, the Serbian authorities informed the Committee that

Protocols for protecting children from violence implemented at the primary and secondary levels of education contain information on the prevention of child sexual exploitation and sexual abuse.<sup>100</sup>

- The Committee **requires** Serbia to ensure that all children at primary and secondary level receive information about the risks of child sexual exploitation and sexual abuse facilitated by ICTs. Organising lectures and/or activities on this topic should not be left to the discretion of schools or teachers.<sup>101</sup>

The Committee also **invites** Serbia:

- to address in educational contexts the issue of the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV.<sup>102</sup>
- to ensure that information on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV, is provided to children during both primary and secondary education (whether as part of the national curricula or in the context of non-formal education for children at these levels).<sup>103</sup>

---

<sup>99</sup> Para. 387.

<sup>100</sup> Para. 389.

<sup>101</sup> Recommendation IX-3.

<sup>102</sup> Recommendation IX-1.

<sup>103</sup> Recommendation IX-2.

## Generic recommendations of the Committee on education for children

The Committee **invites** all Parties, including Serbia:

- to consistently involve children in the development of internet safety awareness programmes.<sup>104</sup>
- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.<sup>105</sup>
- to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards CSGSIV, in their national curriculum or other non-formal educational contexts, in a form which is adapted

to the evolving capacity of the children and therefore which is appropriate for their age and maturity.<sup>106</sup>

- to provide information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including CSGSIV, within a more general context of sexuality education.<sup>107</sup>
- to ensure that parents, caregivers, and educators are involved, where appropriate, in the provision of information to children on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, in particular as regards CSGSIV.<sup>108</sup>

---

<sup>104</sup> Recommendation IX-4.

<sup>105</sup> Recommendation IX-5.

<sup>106</sup> Recommendation IX-6.

<sup>107</sup> Recommendation IX-7.

<sup>108</sup> Recommendation IX-8.

## X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

### Recommendations of the Committee on higher education curriculum and continuous training specific to Serbia

To improve the effective implementation of the Convention, the Committee **requires** Serbia:

- to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional.<sup>109</sup>
- to ensure that the persons who have regular contact with children are equipped to identify any situation of sexual exploitation and sexual abuse of children and are informed of the possibility for them to report to the services responsible for child protection any situation where they have “reasonable grounds” for believing that a child is a victim of sexual exploitation and sexual abuse of children:
  - in the education sector
  - in the health sector
  - in the social protection sector

- in areas relating to sport, culture and leisure activities.<sup>110</sup>

- to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities.<sup>111</sup>

- The Committee also **requests** Serbia to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs, for example through education or continuous training.<sup>112</sup>

### Generic recommendations of the Committee on higher education curriculum and continuous training

The Committee also **invites** all Parties, including Serbia:

- to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of the risks associated with CSGSIV, for example

through education or continuous training.<sup>113</sup>

- to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with CSGSIV.<sup>114</sup>

---

<sup>109</sup> Recommendation X-4.

<sup>110</sup> Recommendations X-5 and X-6.

<sup>111</sup> Recommendation X-7.

<sup>112</sup> Recommendation X-1.

<sup>113</sup> Recommendation X-2.

<sup>114</sup> Recommendation X-3.

## XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

### Observations and recommendations of the Committee on research specific to Serbia

The Committee observes that Serbia refer to research on similar issues and related themes, such as gender-based violence at schools. However, the absence of specific reference to CSGSIV leaves doubt as to the inclusion of this particular topic.<sup>115</sup>

The Committee also observes that Serbia has participated for at least one year in the EU Kids Online surveys which is a multinational research network, which seek to enhance knowledge of children's online opportunities, risks and safety. Surveys carried out under the framework of EU Kids Online collect data and information on, *inter alia*, children's practice of sending and receiving sexual messages online.<sup>116</sup> In addition, as mentioned above, it is unclear whether research undertaken in Serbia on topics related to the

issue of CSGSIV specifically address this issue, other than in the context of the EU Kids Online research project.<sup>117</sup> According to EU Kids Online 2020 Report,<sup>118</sup> national authorities in Serbia supported the research and enabled the surveys to be carried.<sup>119</sup>

- Therefore, the Committee **invites** Serbia to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from CSGSIV, with due respect for the requirements of personal data protection.<sup>120</sup>

### Generic recommendations of the Committee on research

The Committee **invites** all Parties, including Serbia:

- to collect data and undertake research at the national and local levels to observe and evaluate the phenomenon of CSGSIV.<sup>121</sup>
- to ensure that data on the phenomenon of CSGSIV and the risks associated with it is regularly collected and

research on the issue is regularly undertaken.<sup>122</sup>

- to build on the findings from existing research on CSGSIV, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues raised by CSGSIV.<sup>123</sup>

### Promising practice

EU Kids Online is a multinational research network, working to increase knowledge of the opportunities, risks and safeties children face online. A significant number of Parties, including Serbia, have participated to this research network for one or several years.

<sup>115</sup> Para. 439.

<sup>116</sup> Para. 440.

<sup>117</sup> Para. 444.

<sup>118</sup> See EU Kids Online Report 2020:

[https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-](https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf)

[online/reports/EU-Kids-Online-2020-10Feb2020.pdf](https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf)

<sup>119</sup> Para. 454.

<sup>120</sup> Recommendation XI-4.

<sup>121</sup> Recommendation XI-1.

<sup>122</sup> Recommendation XI-2.

<sup>123</sup> Recommendation XI-3.