

# **HUMAN (CHILD) TRAFFICKING**

## **A LOOK THROUGH THE INTERNET WINDOW**



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Ambassador Hans Ola Urstad  
*Head of the OSCE Mission to Serbia*

## Foreword

Trafficking in persons (TIP) is now the third most lucrative criminal business behind drug trafficking and the illegal trade in arms. Combating TIP is one of the top priorities for the Organization for Security and Co-operation in Europe (OSCE), and its Mission to Serbia. The OSCE, being a major regional player in security-building and democratization, targets the problem from different angles - prevention, law enforcement and judiciary, and protection.

The research herein, presented by the NGO ASTRA, shows that most of the identified victims of trafficking in human beings in Serbia are women who, during the recruitment by traffickers, were of high school age. As communication technologies advance, new threats emerge. A young woman "meets" someone in cyberspace and develops (what later turns out to be a false) relationship with the trafficker. As many as 40% of high school girls actually develop a personal contact after an initial anonymous meeting in cyberspace.

Of course, not every such contact carries the threat of pedophilia, sexual assault, abuse, rape or trafficking in human beings. Still, it is eye-opening that a fake chat-room profile of a 15-year old girl attracted a total of 457 new contacts during 50 hours of mere presence in Internet "chat-rooms". This should illustrate well the magnitude of possible threats to which youth are exposed while on Internet.

Through education we can prevent many from becoming victims. This research reveals the ways traffickers can manipulate the Internet and the risk and exposure to Serbian youth. With awareness comes the ability to cope. The findings will allow educators, parents, internet service providers and others to help youth use the internet in the positive way for which it was intended while avoiding the traps of those who try to lure youngsters into a life of virtual slavery.

I commend ASTRA's research as a source of ideas and a starting point for actions by relevant institutions and professionals in Serbia, creating grounds for more effective prevention of trafficking in human beings. Even more so, due to the novelty of the topic, this research would be valuable and interesting beyond Serbia, for specialists in the Southeastern and also Western Europe.

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## Foreword

The prevention of and combating trafficking in human beings, especially women and children, require a comprehensive international approach, both in the countries of origin and transit and in the countries or destination. What should be borne in mind thereby is that human trafficking, its manifestations and *Modus Operandi* (MO) are dynamic categories. Through its program *SOS Hotline and Direct Victim Assistance*, ASTRA has had opportunity to see almost all forms of human trafficking and the use of various methods for recruiting victims into the trafficking ring. In recent years, Serbia has witnessed the abuse of SMS technology and explicit messages of "lascivious content" on the telops of almost all TV channels, sometimes even in daytime. Also, well-known in practice are the cases of mail-order brides, sex tours offered over the Internet, as well as the shift of phone sex services to live sex over the Internet.

The first victim of human trafficking recruited over the Internet contacted ASTRA in 2004, which drew our attention to this type of recruitment. As this turned out not to be the sole case, we focused more on it and, through contacts with partner nongovernmental organizations (NGO) dealing with direct victim assistance across the region and beyond, we have found out that the problem has been recognized in almost all parts of the world. For this reason, we have launched this research. Unfortunately, during preparation period, we did not find either much domestic/foreign literature or practice on how human traffickers recruit (potential) victims. Available data indicate that they use cable and satellite television, mobile telephones, DVD, chat rooms, IMS system, electronic mail and the Internet for contacting (potential) victims, advertising their brothels and services in there, posting phony job offers. The same devices are used for communication.<sup>1</sup>

The literature we found mostly referred to child pornography, while the media most often reported on "the breaking up" of pedophile rings in Western Europe and the USA, such as *Wonderland Club* (Great Britain, 1998), *Orchid Club* (USA, 1999), Marc Dutroux case (Belgium, 2004), the Angers case (France 2005). Serbian media showed interest in the cases of distribution of child pornography over the Internet discovered in Croatia 2004. During 2005, public attention was caught by similar cases, but this time in the territory of the Republic of Serbia (Šabac, Loznica, Belgrade).

The last two decades were marked by sudden development of ICT, which induced considerable improvement in the quality of life of great number of people. Today, it is almost impossible to imagine an every-day life without computers.

As of December 31, 2005, the Internet is connecting an estimated 1,018,057,389 people, which is 15.7% of the total world population. The first five countries according to the number of users are the USA, China, Japan, Germany and India. In Serbia and Montenegro, 1,200,000 users are registered, constituting 11.2% of the total population in the country<sup>2</sup>.

The Internet is not a single network, but a vast array of loosely connected networks situated all over the world, easily accessible by individual computer hosts in a variety of ways. Individuals and organizations around the world can reach any point on the network regardless of national and geographical boundaries or time of the day. However, along with the convenience and the speed of access to information, the Internet brings about many risks, such as the risk that valuable data will be lost, stolen, corrupted or misused and that the computer systems will be corrupted. The three basic security concepts important

<sup>1</sup> For example, the number of calls which NGO La Strada Moldova received in 2005 from women and men who wished to emigrate and who found job or marriage offers on the Internet doubled relative to 2004 (e-mail correspondence with Tatiana Fomina, February 6, 2006).

NGO Stichting Tegen Vrouwenhandel (STV) - Dutch Foundation against Trafficking in Women has registered cases of human trafficking where victims were contacted for the first time or recruited over the Internet, especially through MSN-messenger (e-mail correspondence with Esmie Masselink, February 9, 2006).

<sup>2</sup> [www.internetworldstats.com](http://www.internetworldstats.com)

to information on the Internet are confidentiality, integrity and availability. Special question, especially topical in recent months (late 2005 and early 2006) is the question of privacy, freedom and control of Internet use.

Not doubting positive achievements of the Internet, it is known that the introduction, growth and utilization of information and communication technology (ICT) have been accompanied by increase in illegal exploitation and abuse of technology for criminal activities. The Internet is increasingly used as a tool and medium by transnational organized crime. A significant change which affected the scale and form of trafficking in human beings is widespread use of the Internet, which facilitates illicit activities in an unprecedented manner. Detail on the traffickers and the method of trafficking is rare. What is known suggests that operations are carried out by flexible relatively local crime groups who are part of a series of networks. These groups are also reported to be involved in other illegal markets<sup>3</sup>. In fact, various kinds of technology means can be used for the purpose of sexual exploitation - either by individuals for their own private use or by persons or groups using the Internet as a commercial tool, to promote and sell images or services. Technical aspects are crucial for the development of sites which exploit all the technical possibilities of the Internet. Often, the geographical location of the server exerts a negative impact on jurisdiction and legal issues<sup>4</sup>.

When we speak of positive and negative aspects of the Internet, special attention should be paid to Internet use by children. Modern technologies not necessarily, but often make the worlds of parents and children more and more apart. The Internet is incorporated in many educational systems, i.e. in the world of today, it is difficult to continue studies or find a job without computer literacy, and as children are highly adaptable to new technologies, they are the fastest growing group of Internet users<sup>5</sup>. Children start "talking the language of computers" which parents often do not understand and communication between them becomes difficult. Certainly, positive things which the Internet enable to children and adolescents should not be forgotten: it can give access to the world, it can open mind, it can contribute to the development of children. The Internet is a tool of democratization, in some countries it gives the possibility of having other sources of information than the official ones. Moreover, it is a good means of communication for warning people, especially young people, against the dangers of human trafficking and exploitation. It can also contribute in combating crimes, such as trafficking in human beings<sup>6</sup>. Although it may have positive impact on the development of children, the Internet, may also be a dangerous weapon in their hands. In chat rooms, children may easily come in contact with strangers, reveal their personal data, accept meetings with people they do not know or get isolated, through excessive use of the Internet, form their peers in real life. New technologies offer the possibility of protection from specific forms of abuse. Parents have at their disposal, instructions/recommendations for protection<sup>7</sup>, as well as various program packages for filtering, accessing and blocking websites which are "undesirable for children's eyes" (*Safe Surf*, recreational programs with counseling on the Internet - RPSi, etc). However, it is important to work on raising the awareness of this problem, empowering parents to get closer to "children's world", and on developing a strategy for combating this kind of child abuse.

<sup>3</sup> Workshop on trafficking in human beings, especially women and children - 12th Session of the Commission on Crime Prevention and Criminal Justice, Vienna, 15 May 2003, Toni Makkai Director of Research, Australian Institute of Criminology

<sup>4</sup> Computer Crime Research Center, Technology Is a Double-Edged Sword: Illegal Human Trafficking in the Information Age, By Judge Mohamed CHAWKI and Dr. Mohamed WAHAB, March 05, 2005

<sup>5</sup> Tanja Zogović, "The Internet - Threats and Potential Benefits" in Save the Children and Children Rights Center, *Child Trafficking in Serbia - A Threat and A Reality* (Belgrade: Children Right Center, 2006).

<sup>6</sup> European Forum on Internet with Human Face - Common Responsibility, Workshop Report 3 Ethical Issues: Protection of Children, Exploitation and Discrimination, reporter Anne Marie Faradji, Equality Division, Directorate General of Human Rights, Council of Europe, Warsaw, March 26-27, 2004.

<sup>7</sup> For more see <http://www.virtualglobaltaskforce.com/faqsandadvice/faqs.html>



OK, daughter. Daddy got the mouse... What's the next move?

In this publication, we try to point to a small, but significant segment of the abuse of this medium. This research has five thematic sections: 1. Human (child) trafficking in the print media - the analysis of contents of the print media in Serbia; 2. Human trafficking, the Internet, specific needs and problems in use - a survey into secondary school population in Serbia; 3. Are Internet chat rooms safe places? - a field research; 4. Human (child) trafficking and Internet recruitment - an assumption or a preventable reality - interviews with local Internet Service Providers; 5. International and domestic legal frameworks - a comparative analysis.

Such a multi-aspect approach gave us opportunity to examine different aspects of the problem, because each section addressed the topic from its own angle, trying to discover possible link between the Internet and human trafficking. The research in front of you has never aspired to include all kinds of abuses of the Internet. Due to unpredictability of current, and especially future possibilities offered by this medium, we thought it would be unrealistic. This research is above all an attempt to "scan" current situation, in which the problem of human trafficking and relatively new means of communication such as the Internet are placed in the same framework. Therefore, this publication aims to use facts to confirm or deny whether this concerns a trend, a logical continuation of every-day criminality or a new method of recruitment of human trafficking victims. Discovering "the real state of affairs" on the basis of which it will be possible to design systematic (and maybe systemic) measures for prevention and assistance to the victims of human trafficking, when Internet recruitment of victims is concerned, is a practical goal of this research.

We wanted to make a step into a new, still insufficiently studied chapter when the use of modern technologies is concerned, and to try to initiate a discussion on this topic first of all in the anti-trafficking movement, and especially to point to the significance of the Internet abuse for recruitment purposes, in particular of young people. We see the results of this research as a good starting point for further studying of links between the Internet and human trafficking; we hope that given recommendations could serve as guidelines for undertaking some future activities by the GO and NGO sector in this area. To date experiences in combating human trafficking show that trends, i.e. traffickers' MOs are changing quickly, while it often takes much more time to the anti-trafficking movement to identify or find adequate response to them. This research is, *inter alia*, our

attempt to come to certain answers before this MO comes to expansion. The deeper we went into the research, the more challenges came out. The risks of the Internet intertwined not only with (potential) recruitment of (potential) trafficked victims, but also with sexual harassment, solicitation for prostitution, pedophilia and child pornography. For this reason, we give below the definitions of terms used in the research.

- **Trafficking in persons**<sup>8</sup> - The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.
- **Exploitation** includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
- **Child** - Any person under eighteen years of age.
- **Organized criminal group** - A structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.
- **Serious crime** - Conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.
- **Structured group** - A group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.
- **Sexual violence** - A general name including various forms of sexual abuse which characteristic is that they take place without consent of the victim, i.e. victims are coerced by the use of force and/or threat. It may appear in various forms: sexual harassment, rape, incest, etc.
- **Sexual harassment** - Any unwanted behavior of sexual or gender-specific nature, which does not necessarily include physical contact, but puts a harassed person in unpleasant situation, humiliates her and cause her shame (unwanted sexual remarks and offers, sexist remarks and jokes, physical gesture, obscene telephone calls, exposure to pornographic material...), committed by any person, especially the person on whom the victim is in the position of subordination or dependence.
- **Sale of children**<sup>9</sup> - Any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.
- **Child prostitution** - The use of a child in sexual activities for remuneration or any other form of consideration.
- **Child pornography** - Any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes. In this publication, we used the term "exploitation of children in pornography" which we find more appropriate.

<sup>8</sup> United Nations Convention Against Transnational Organized Crime, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime

<sup>9</sup> Optional Protocol to the Convention on the Right of the Child on trafficking in children, child prostitution and child pornography

<sup>10</sup> John Levine, Carol Baroudi, Margaret Levine Young, *Internet za neupućene*, (Beograd: Mikros knjiga, 2005).

- **Internet**<sup>10</sup> - Global telecommunication network of corporate, government and personal computers connected in such a way that they can mutually communicate, established in 1969. Also known as the Net.
- **Net** - Word Net is usually written with capital letter when it denominates the Internet, as opposed to any other computer net(works). That is why we say "one of the most frequently visited sites on the Net", but also "tools for net navigation", because the latter may mean tools used on networks other than the Internet.
- **World Wide Web** (www) - An intercontinental network of connected computers that serve documents, files and resources over the Internet.<sup>11</sup>
- **Chat** (abbreviation for *conversational hypertext access technology*) - A form of interactive online typewritten communication that allows all participants ("members") to engage in text-message conferencing via real-time computer networking over designated communication facilities (chat rooms) without storing the messages.<sup>12</sup>
- **Internet forum** - A facility on the World Wide Web for holding discussions or the web application software used to provide the facility.<sup>13</sup>
- **Instant messaging** - The act of instantly communicating between two or more people over a network such as the Internet.<sup>14</sup>
- **Domain administrators** approve companies, organizations, institutes and faculties to open sub-domains within the .yu domain (e.g. www.domainname.org.yu, www.domainname.co.yu or www.domainname.edu.yu). In our country, there is a Yugoslav Internet Domain Name Registry - www.nic.yu. Every country has its own registry of Internet domain names, while there is also a general registry for domain names outside national framework (e.g. www.domainname.com, www.domainname.org, www.domainname.net).
- **Internet Service Providers** (ISP) are companies (e.g. *Eunet, Sezampro, Verat, Bitsyu, PTT...*) which provide Internet services to individuals and legal entities, such as connecting to the Internet, opening e-mail box, hosting websites.
- **System administrators** are people who maintain servers on which websites are hosted. They have possibility to know who (which user) from their system visited certain website and who (from what IP addresses, geographical locations, ISP) visited websites hosted by their system.
- **Web administrators** maintain portals, web "super sites" which could have forums, chat rooms and the like. Forum moderators are most often these people. Forums and chat rooms often have filters (scripts, programs) which prevent messages containing certain unwanted words and expressions to appear or warn the administrator of the appearance of prohibited terms.

<sup>11</sup> [http://linux.about.com/cs/linux101/a/world\\_Wide\\_Web\\_.htm?terms=wide+web](http://linux.about.com/cs/linux101/a/world_Wide_Web_.htm?terms=wide+web) <sup>12</sup> [http://en.wikipedia.org/wiki/Internet\\_forum](http://en.wikipedia.org/wiki/Internet_forum)

<sup>12</sup> [http://www.atis.org/tg2k/\\_chat.html](http://www.atis.org/tg2k/_chat.html)

<sup>13</sup> [http://en.wikipedia.org/wiki/Internet\\_forum](http://en.wikipedia.org/wiki/Internet_forum)

<sup>14</sup> <http://en.wikipedia.org/wiki/Instant%5Fmessenger>

## Methodological Framework of the Research and Report Structure

The research in front of the reader is de facto a set of several surveys which focus on various aspects of human (child) trafficking. However, although they are heterogeneous with regard to the kind of sample they survey, according to the approach applied and to the instruments, the smallest common denominator is "scanning" of the current situation, in which the problem of human trafficking and a new communication means such as the Internet are placed in the same framework. The recruitment of trafficked victims over the Internet is a phenomenon observed in practice, and as such is a topic of the research. Therefore, this publication seeks to give a picture composed of "the pieces of a mosaic", information offered by various Internet professionals and Internet users on the possibilities to use the Internet for recruiting the victims of human trafficking. Having linked heterogeneous data, the next goal was to draw generalized conclusions and recommendations for quality, time-bound and active prevention and suppression of this dangerous social problem.

On the pages to come, the reader will have opportunity to learn more about the results of the following surveys:

- Human (child) trafficking in the print media - the analysis of contents of the print media in Serbia
- Human trafficking, the Internet, specific needs and problems in use - a survey into secondary school population in Serbia
- Are Internet chat rooms safe places? - a field research
- Human (child) trafficking and Internet recruitment - an assumption or a preventable reality - interviews with local Internet Service Providers
- International and domestic legal frameworks - a comparative analysis

The analysis of contents of the print media in Serbia with regard to human (child) trafficking gives an overview of quantity, quality and frequency of addressing the topic in various, primarily daily papers, but also in weeklies and biweeklies published in the territory of Belgrade and in selected towns in Serbia. This survey is put in the first part of the publication because it gives a general picture of human trafficking which the media send to the public. The media are powerful informative and preventive tool, but at the same time, the tool which may boost up and support the existing stereotypes and prejudice and make the job of professionals involved in anti-trafficking activities much more difficult or easier. The results of such an analysis will show, among other things, whether domestic journalists are sensitive enough to observe and react to new, unwelcome developments in society, such as, for example, changes in trends, routes or manifestations of human (child) trafficking.

Therefore, this is the place where messages sent to the public about the problem of human trafficking in general are "scanned", and presents a kind of introduction into the issue of abuse of the Internet for recruiting the victims of human trafficking.

Method used in this part of the research is contents analysis on the sample of articles published in six Belgrade dailies, 19 papers published in selected towns and one website of a local news agency. Belgrade print media were followed in the peri-



od January-June 2004 and June-November 2005, which enabled comparative analysis, while local papers were examined only in the period June-November 2005, which, again, enabled comparative analysis with Belgrade media.

The survey conducted on the sample of secondary school population had a three-fold function - to discover how much adolescents know about human trafficking, to examine what percentage of adolescents use the Internet and for what purposes and whether they have had unpleasant experiences while using the Internet and what kind, as well as to link the results and discover possible connections between the examined variables. The objective of this survey was to locate the circle of the potentially at risk when recruitment for human trafficking in general, but also recruitment for human trafficking over the Internet is concerned, and on that basis to adjust prevention programs. This survey opens the question of Internet abuse, and it is therefore placed in part two.

For the purpose of the survey, a special instrument was designed, a questionnaire containing 19 questions divided into two groups - one examining how much the sample know about human trafficking and the other examining frequency and ways of Internet use and risks and unpleasant experiences they were faced with while using the Internet. The sample comprised 1,205 pupils of both sex, between 14 and 18 years old, from six general education secondary schools and six vocational education secondary schools from Šabac, Novi Pazar, Novi Sad, Vranje, Užice and Belgrade. The method applied for data processing was statistical (descriptive statistics and establishing the significance of differences between groups) and qualitative processing, followed by the analysis and synthesis of results.

A logical continuation of the examination of Internet use by children and adolescents and possible dangers it brings was a field research in which data were obtained directly on the Internet, through interaction with other users. The survey sought to discover what kinds of communication could be established directly, but also what kind of risks such contacts may bring. The communication was done by designing a virtual, but for Internet users "real" young person. An advantage and high value of data obtained in this way are information "at first hand", direct and without middleperson. As an elaboration of the topic of Internet abuse, but also as an introduction into the analysis of work of the Internet itself and of regulations governing this area, this field research makes the third part of the publication.

The method used is experiment *in vivo*, which had two phases - a preparatory phase and an implementation phase. In the preparatory phase, a virtual character was designed to communicate with other users in Internet chat rooms, chat rooms were selected, time period and the total time of implementation and a set of rules which would be observed in future communication defined (for example, the rule never to initiate the first contact, the storage of all individual sessions in electronic forms, etc.). In the implementation phase, Internet chat rooms were systematically visited and obtained data were quantitatively and qualitatively processed. The sample comprised 50 hours of chat in three different time periods (morning, afternoon and evening).

The fourth part of the publication presents data obtained through interviews with persons working on the creation, maintaining and securing space on the Internet. The respondents were asked concrete questions about what they knew about human trafficking, recruitment methods, Internet domain names, respective regulations and the possibility of punishing Internet abuse (such as recruitment over the Internet) and the prevention of the problem from the position of someone who directly regulates the work of the Internet. The interviews seek to provide an insight into realistic, but also possible frameworks of actions of local ISPs when the suppression of this form of Internet crime is concerned, and on that basis, to propose concrete measures for

establishing cooperation and common actions which would contribute to better protection of Internet users and possible decrease in human trafficking.

Interviews with Internet Service Providers, i.e. persons employed with selected companies based in Belgrade which provide this kind of services were conducted on the basis of specially designed questionnaire of 15 questions. In the form of semi-structured interview, these questions which could be modified and extended if needed, served as a basis for directing the conversation. The method used was qualitative processing of interviews, while the sample comprises eight local Internet experts, i.e. eight interviews conducted with these persons (employed with *Pogodak*, *Absolutok*, *Sezampro*, *Eunet*, *B92*, *Yugoslav Internet Domain Name Registry* and *Undernet*).

The last analysis in this publication gives an overview of the existing domestic and international legislation on children and human rights, computer crime, combating human trafficking, combating child pornography on the Internet and the laws of selected countries (14 European countries, including Serbia and Montenegro, and the USA) governing human trafficking. On the basis of comparative analysis, conclusions and recommendations are drawn which should serve as a contribution to future legal regulation of the issue of human (child) trafficking where the Internet was used for recruitment purposes. At ASTRA's request, this analysis was conducted by Ana Đorić SJD and Jovan Ćirić SJD from Belgrade. The researchers used comparative-legal and legal-dogmatic method.

In the last section of the publication, we tried to give an overview of the most important findings, generalized conclusions and accompanying recommendations. The greatest future contribution of the research will certainly be the reaction of professional and lay public aimed at the creation (or improvement) of measures for prevention and suppression of human trafficking. However, what should not be forgotten is the creation of a certain research material which, we believe, will drive other researchers to elaborate the topic and to deny, confirm or develop conclusions drawn hereby.

A curious and thorough reader has probably realized from this introduction that in front of him/her is a pilot survey of explorative character. For this very reason, the lack of many references and hypothesis should not surprise. In an explorative research, instead of hypotheses, research problems and tasks are set. The reason for such a distinction is in that hypotheses need to be based on a considerable theoretical grounds or on the results of previous empiric researches of the same problem and on the similar sample. Unfortunately, when the Internet as the instrument for recruiting human trafficking victims is concerned, in our country (but also beyond) there are neither empirical data nor theoretical considerations.





## HUMAN (CHILD) TRAFFICKING IN THE PRINT MEDIA - THE ANALYSIS OF THE PRINT MEDIA IN SERBIA

### Introduction

The analysis of contents of the print media is a useful tool for all experts dealing with various social phenomena. It provides a "sketch" or a "croquis" of the phenomenon under consideration, on the basis of which it is possible to discover not only in what way a specific topic is presented to the public, but also the attitudes and importance which the society attaches to it. On the other hand, the results of such an analysis are a useful starting point on the basis of which it is possible to build a successful and quality cooperation between the media and organizations/institutions dealing with a specific problem.

Domestic journalists have been addressing human trafficking as a topic for nearly a decade, and therefore this, third in a row ASTRA's survey<sup>1</sup> into the analysis of contents of the print media, seeks to discover how, including time framework of the analysis, the topic was addressed, in what way and with what intensity, and whether any deviations or qualitative progress could be detected. Also, media products are a breeding ground for confirming or refuting hypotheses, evaluating the results of an organization like ours or other relevant organizations and institutions, and identifying the adequate forms of prevention. Thus, the forms of prevention will be adjusted to the social climate, trends, but also, for example, to technological progress, which is the case with increasingly massive use of the Internet.

The evaluation of media campaigns<sup>2</sup> and prevention-education activities<sup>3</sup> which ASTRA carried out in last two years shows a considerable progress in how much lay public and various experts know and are familiar with the issue of human trafficking. The results show that both lay public and journalists recognize human (child) trafficking as a social problem. Therefore, the focus of this analysis is, as opposed to the previous ones conducted by ASTRA, to a certain extent changed. Instead of analyzing whether journalists are aware of the seriousness of the problem which main characteristics are coercion and exploitation and whether they approach the topic in a sensationalistic fashion, using inadequate terminology, this survey seeks to discover whether the print media (and in what way) pay attention to different aspects of human (child) trafficking, as well as whether they work on the prevention of the problem through articles which are not directly connected to a specific event. Such a direction of a survey makes it possible to discuss new recruitment methods which journalists may have observed, such as recruitment over the Internet, as well as other phenomena in which similar MO is used, which is the case of Internet pedophilia.

### Research Methodology

The research method used here is a comparative qualitative analysis of contents. Articles followed are those which treat manifestations of human (child) trafficking, as well as those addressing illegal migrations and people smuggling, pedophilia and exploitation of children in pornography which use the Internet as a medium, as the practice has shown that examined phenomena could often be con-

<sup>1</sup> ASTRA, "Sex, Slavery and Politics - Presentation of Trafficking in Women in Print Media in Serbia", 2002, published in *Canadian Women Studies/Les cahiers de la femme, issue on migration, labour and exploitation, Autumn Edition, 2003*; ASTRA, "Media Presentation of Trafficking in Women" in *Trafficking in Women - Manual for Journalists*, (ASTRA: Belgrade, 2003).

<sup>2</sup> Media campaigns "There is a Way Out" (in cooperation with UNODC) and "Save the Children from Human Trafficking" (in cooperation with Save the Children - Belgrade).

<sup>3</sup> Trainings for medical doctors, border police officers, NGOs, journalists. In 2005, in cooperation with BBC and Belgrade-based European Center for Broadcast Journalismism from Belgrade, five trainings were held for journalists working for print and electronic media in the territory of Serbia and Montenegro.

nected. Articles observed were published in six dailies from Belgrade and 18 newspapers (and one Internet edition) edited and published in selected Serbian towns<sup>4</sup>. As far as the Belgrade papers are concerned, the analysis covered two periods: January-June 2004 and June - November 2005. In both six-month periods under consideration, the following dailies were examined: *Politika*, *Blic*, *Glas javnosti*, *Danas*, *Večernje novosti* and *Kurir*, which made room for a comparative analysis.

As for the others, the sample comprised 19 local print media - *Novine vranjske* and *Slobodna reč* from Vranje, *Bratstvo* from Bosilegrad, *Novi srpski venac* from Bujanovac, *Sandžacke novine* and *Glas islama* from Novi Pazar, *Ibarske novosti* from Kraljevo, *Timok* from Zaječar, *Naša reč* and *Narodne novine* from Niš, *Užicka nedelja* and *Užicke vesti* from Užice, *Čačanski glas* from Čačak, *Polimlje* from Prijepolje, *Dnevnik* from Novi Sad, *Vršacke vesti* and *Vršacka kula* from Vršac, *Pančevac* from Pančevo and *Kikindske novine* from Kikinda and one electronic medium - AVP, released on the Internet. However, of all media under consideration (except for those from Belgrade), in the period early June - late November 2005, human (child) trafficking was addressed only in eight of them

**Examined variables:** the number and frequency of publishing articles, the type, i.e. journalistic genre of the article (news, report, commentary, feature story, note...), the topic of the article (human trafficking, child trafficking, smuggling/illegal migrations, Internet recruitment...), section/placement of the article, territory which the article refers to, author of the article and reason for raising the problem in the article (specific event, description of the phenomenon).

## Research Tasks

On the pages to come, we try to give answers to the following questions:

1. Are there any significant differences in the quantity of articles dealing with the human trafficking issue, taking into account both time periods under consideration, the time and intensity of reporting about human trafficking in the print media when the Belgrade print media are concerned?
2. What aspects of the human trafficking issue are addressed, in what way and are there qualitative differences in the treatment of the topic, taking into account individual Belgrade dailies and both six-month periods observed?
3. Based on the previous, the following question may be asked - did the print media in Belgrade, in both periods observed, address Internet recruitment or Internet pedophilia, and if yes, what is the incidence and quality of such reporting?
4. Were there any differences in the quality and frequency of publishing articles on human trafficking between the print media based in Belgrade and in smaller towns in Serbia comprised in this analysis?
5. What aspects of the human trafficking issue are addressed, in what way and are there any qualitative differences in the treatment of the topic with regard to the print media from selected Serbian towns?
6. Finally, did local print media in Serbia observe the phenomenon of human trafficking victims' recruitment over the Internet and Internet pedophilia, and if yes, what was the incidence and quality of such a reporting?

<sup>4</sup> For the collection of articles published in the Belgrade newspapers for both observed periods we hired Media Documentation EBART from Belgrade, while for local papers, we relied on contribution by ASTRA Network members, activists from Vršac, Niš, Užice, Novi Pazar and Vranje.

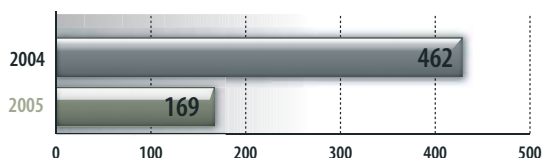
## Results

### 1. The quality and incidence of articles about human trafficking taking into consideration both coverage periods, the number of articles and intensity of reporting in individual print media - Belgrade dailies

For the six months of 2004, in six dailies observed, there were 429 articles treating different aspects of human trafficking, including people smuggling which, according to the then valid Criminal Law of the Republic of Serbia, was sanctioned by Article 111b - human trafficking, as well as exploitation of children in pornography and pedophilia (committed through the Internet), although in a very small number of cases<sup>5</sup>. In 2005, for the same period of time, readers were presented with these problems 169 times (chart 1.1). Fall in the number of articles by 2.5 times compared with 2004 can be by no means considered accidental and requires additional analysis in order to discover possible reasons for such a difference in the media treatment of the phenomenon<sup>6</sup>. For the reader to get a complete picture, let us say that in 2002, for example, more than 400 articles on human trafficking were published in the Belgrade newspapers<sup>7</sup>.

On the other hand, the very frequency of publishing of articles, both in 2004 and 2005, indicates that the public does not receive continuous information on this issue (chart 1.2. and chart 1.3). Reasons for discontinuity should, above all, be sought in the approach to the topic as "an event which occurred" and not as "a problem which should be investigated", and since events (and especially scandals or big trials) do not take place in equal time intervals, the reporting is not steady in terms of time either.

Chart 1.1. The number of articles released in the six months of 2004 and 2005 (Belgrade)



The situation of media presentation of the human (child) trafficking issue becomes even more complex if we include into comparative analysis the number of articles published in specific daily papers. During the six months of 2004, the greatest attention to this problems was paid by *Danas* (105 articles), followed by *Večernje novosti* (81) and *Glas javnosti* (77), while the least articles were published in *Politika* (47). In 2005, besides a noticeably smaller (print) media space for the presentation of this social phenomenon, what could be observed is a certain "balancing" in the number of articles published in dailies under

<sup>5</sup> See Causes and Topics.

<sup>6</sup> See Conclusion for details.

<sup>7</sup> ASTRA, "Media Presentation of Trafficking in Women" in *Trafficking in Women - Manual for Journalists*, (ASTRA: Belgrade, 2003), p.54.

Chart 1.2. The frequency of publishing in 2004 (Belgrade)

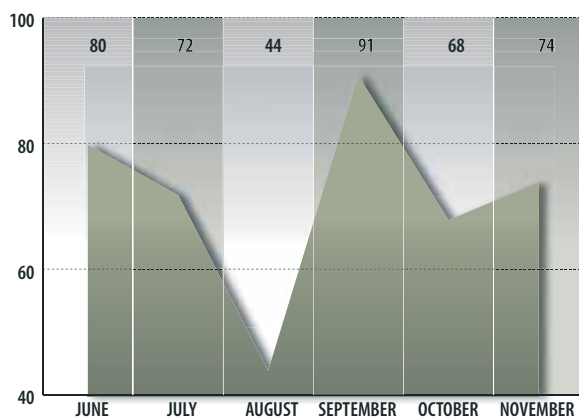
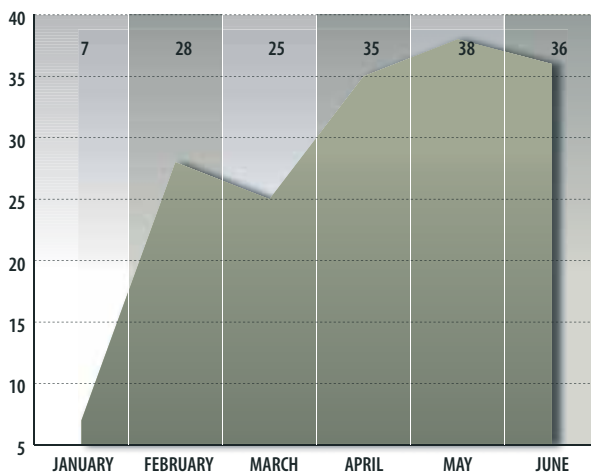


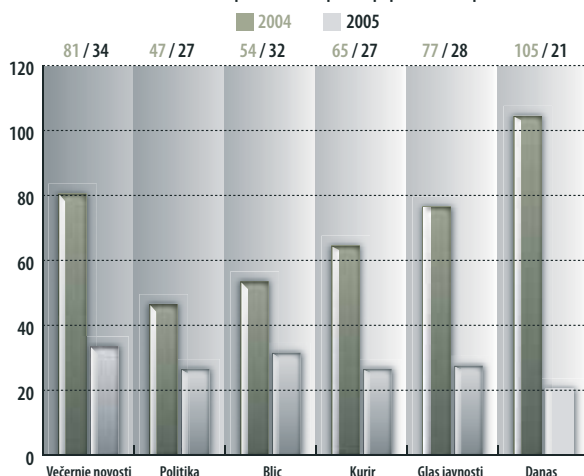
Chart 1.3. The frequency of publishing in 2005 (Belgrade)





consideration: the maximum span is 13 articles (between *Danas* and *Večernje novosti*), while the span in the number of articles in 2004 was a very high 58 between *Danas* and *Politika* (chart 1.4). As opposed to the six-month period in 2004, when *Danas* was a leader in the number of published articles, in the first half of 2005, it was *Danas* where the smallest number of articles on trafficking was registered (21).

Chart 1.4. The number of articles published in specific papers in both periods under consideration



## 2. The ways and aspects of treating the human trafficking issue, quantitative differences in reporting, taking into account specific Belgrade dailies and both coverage periods

### 2.1. Journalistic Genres

Dominant journalistic forms are news and reports. Of 429 published text in the first six-month period in 2004, 211 were news and 171 reports, while in the six months of 2005, of 169 texts published, 85 were news and 71 reports. The next category in terms of frequency is commentary (38, that is 10). The fourth, smaller category contains announcements, denials, notes or articles without a clear journalistic genre (9, i.e. 3). As can be seen in chart 2.1.1, the quantitative relation of genres in both periods under consideration is identical. Charts 2.1.2. and 2.1.3. show the percentage ratio of journalistic genres when the total number

Chart 2.1.1. The type of text (genre)

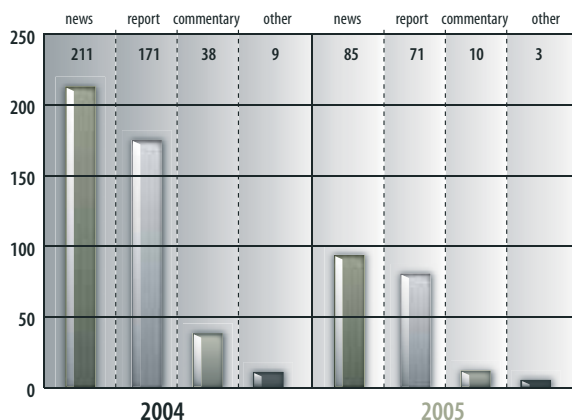
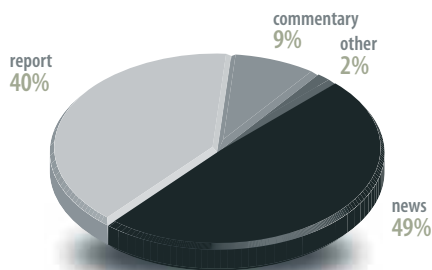


Chart 2.1.2. Proportion of journalistic genres in 2004 (Belgrade)



of articles is concerned, while charts 2.1.4. and 2.1.5. are reserved for the overview of journalistic genres in individual dailies.

News is a basic journalistic genre, which in the first paragraph (a so called head of the news) shall give answer to five key questions: *who, what, where, when* and *why*, indicating the source of information, while report is a more complex genre, in which specific, important events and topics are presented (congresses, conventions, conferences, celebrations, sport events, etc.). What both these genres have in common is relative shortness of the text and the treatment of a concrete event. In practice, this means that when the human (child) trafficking issue is concerned, the very concept of

trafficking is not addressed in terms of contents, but all attention is paid to topical developments - in the majority of cases the apprehensions of human traffickers or court processes against them, scandals related to certain human trafficking actors, as well as actions undertaken by organizations and institutions involved in the prevention and suppression of the problem (the promotion of campaigns or surveys, roundtables, trainings, conferences...).

As for individual dailies, both in 2004 and 2005 it can be observed that *Politika*, *Večernje novosti* and *Danas* wrote about human trafficking more in the form of a report (or at least equally as in the form of news), while *Glas javnosti*, *Blic* and *Kurir* treated this topic more through news.

Chart 2.1.3. Proportion of journalistic genres in 2005 (Belgrade)

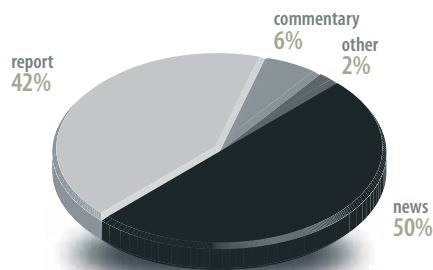


Chart 2.1.4. An overview of journalistic genres in Belgrade dailies (2004)

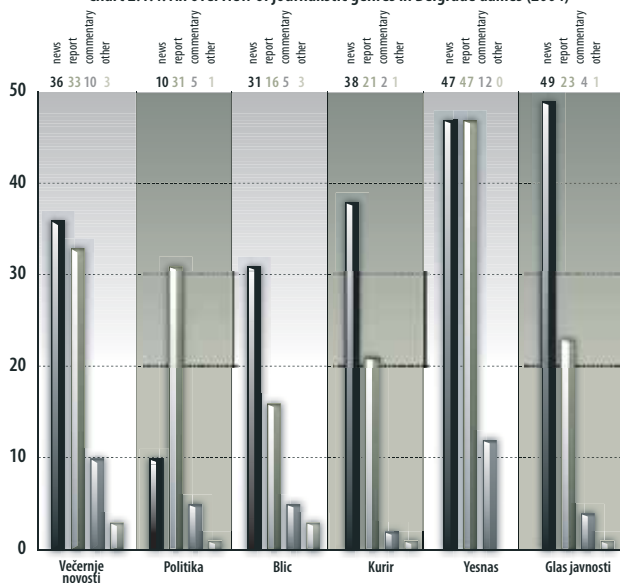
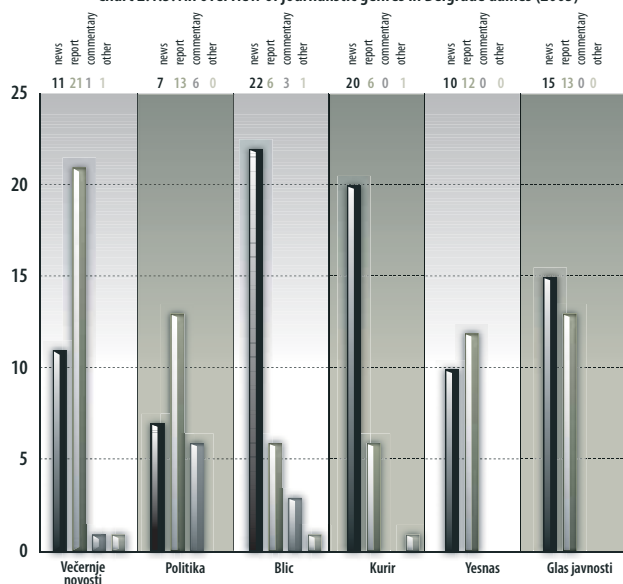


Chart 2.1.5. An overview of journalistic genres in Belgrade dailies (2005)



## 2. Causes, topics and placement

When we look at causes which initiated the publishing of articles, we may observe that articles reporting on a concrete event predominate, either a newly discovered cases of human (child) trafficking, the apprehension of traffickers and the initiation and pursuing of court processes, or activities undertaken by domestic and international organizations and institutions dealing with this social problem. Charts 2.2.1. and 2.2.2. show the percentage share of treating human (child) trafficking as an event and as a phenomenon. The categories "human trafficking - phenomenon" and "child trafficking - phenomenon" comprise articles which are not initiated by the concrete event, and in which the very concept, forms, aspects and actors of human trafficking are explained, as well as their roles, prevention opportunities and the like. The category "other" refers to articles in which human (child) trafficking is only mentioned within some other social topics.

Comparing the two periods under consideration, we may learn that there were not any relevant departures in "event-phenomenon" percentage. Therefore, although different number of articles was recorded, that is, although there were considerably more articles on human trafficking in 2004, what can be concluded is that in both years, equally small attention was paid to the problem itself (1-3%), while public attention was more focused on certain concrete persons and events (more than 80%). These data are very important for all involved in the prevention efforts, as they clearly show that an average reader would rarely get information on what human trafficking is all about, how to protect themselves and their loved ones from it, what people, institutions and organizations may help and how one can contribute to the suppression of the problem.

Also, bearing in mind that more than 80% of articles were placed on pages dealing with daily news and crime section, that less than 20% were placed in section "society" (or similar), and that feuilletons dedicated to the human trafficking issue are quite rare, it becomes clear that this topic is approached *ad hoc*, only when something happens. As for sensationalism, it seems that it is more reserved for headlines and less for generally correct and informational short forms such as news or reports. Sensationalistic headlines "sell papers" and they are often a reflection of the editorial policy of a specific print media.

The most frequent individual topics of articles in 2004 were related to the scandal of "missing babies" (4%), the case of selling daughters in Jagodina (3.5%), "Moldavian S. C. case" (21.2%) and the trial against Milivoje Zarubica and his gang (5.8%). In 2005, the scandal of "missing babies" was even more in public focus (19.5%), in particular owing to the launch of a special commission within the Serbian Parliament in July. The

Chart 2.2.1. A cause for reporting - Belgrade papers, 2004



Chart 2.2.2. A cause for reporting – Belgrade papers, 2005



Montenegrin scandal called "S.C. case" was not addressed in the second period under consideration, but the print media were filled with the apprehensions of the so called "Pančevo group" (7%), Mladen Dalmacija and companions (10%) and court processes initiated against them before the Special Court.

What could be called "common topics" are human trafficking, child trafficking, people smuggling and pedophilia/exploitation of children in pornography (on the Internet). As for human trafficking, in the six months of both 2004 and 2005, it was the most frequently addressed topic (63% and 64%). Human trafficking as a topic appears in 26% in the first period under consideration, while in the second period it recorded a slight increase of five percent. Nevertheless, it should be mentioned that 10% of articles which fall within the category of "child trafficking - event/phenomenon" are actually articles dealing with various aspects of human trafficking, but, besides adults, minors were explicitly mentioned as well. In 2004, if we put people smuggling into a separate category, it was addressed in 10.5% of articles, mainly news (45), while in 2005 this percentage was considerably higher - 32.5% (55). The reason for singling out this category is the fact that, unlike people smuggling, the principle of consent is completely excluded in human trafficking and that human trafficking may be both international and local. However, under the then Criminal Law of the Republic of Serbia, this offence was in practice most often prosecuted under Article 111b - human trafficking, while journalists, as a rule, in such articles were saying that it concerned human trafficking, and it was therefore necessary to process such articles in the category human trafficking as well. We discuss this more in detail in the conclusion.

### 2.3. Countries to which the articles referred

The majority of articles in both observed periods referred to events which took place in the territory of the Republic of Serbia or, if other countries were concerned, in which trafficking actors were the citizens of our country (234 in 2004 and 142 in 2005). As for Montenegro, human trafficking incidents were much more frequently addressed in 2004 (135 articles) than in 2005 (22). In the first observed period, in terms of percentage, the articles mostly addressed events in the region and in Western Europe countries (charts 2.3.1. and 2.3.2).

Chart 2.3.1. Countries to which the articles in Belgrade papers referred (2004)

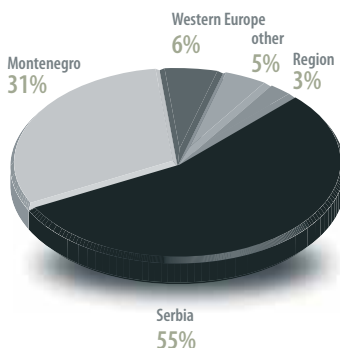
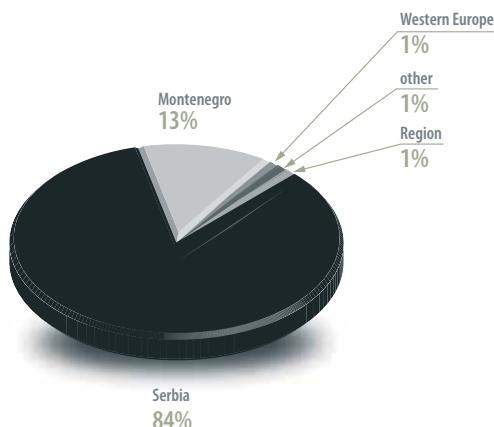


Chart 2.3.2. Countries to which the articles in Belgrade papers referred (2005)



## 2.4. Authors

The reason for including the analysis of authors of articles on human trafficking into this research lays in the presumption that what is necessary for quality reporting is a comprehensive knowledge of the topic, which implies longer period of dealing with it. If some journalists frequently appear as the authors of articles on human (child) trafficking, it is reasonable to conclude that these are persons in charge of following this topic in their papers and that they have dedicated certain professional development to it. Secondly, that fact may indicate editorial policy of certain newspaper.

In *Večernje novosti*, *Politika* and *Blic*, there are no significant departures between the two observed periods in terms of the percentage share of commentaries, re-prints and unsigned articles. Both in 2004 and 2005, there were less than 10% re-prints and some 80% commentaries in *Večernje novosti*, while the rest were unsigned articles. In *Politika*, the number of re-prints, expressed in percentage, is triple the number of those in *Večernje novosti* (30% and 36%), while commentaries constitute about the remaining 60% (2004), that is 70% (2005). Unsigned are only two articles from 2004. In 2005, *Blic* had almost equal percentage of author's articles as in 2004 (59% and 61%), with slight upward trend in re-prints and decline in unsigned articles.

In *Glas javnosti*, *Danas* and *Kurir*, the situation is completely different. *Glas javnosti* and *Kurir* in 2005 had significantly more commentaries than in 2004. This difference is particularly notable in *Glas javnosti*, being 42%, while in *Kurir* it is 16%. Consequently, the percentage of re-prints is smaller (in *Glas javnosti* by as much as 49%, in *Kurir* by 22%), but the percentage of unsigned articles is higher - by 7% in *Glas javnosti* and 16% in *Kurir*. As far as *Danas* is concerned, in the second observed period, the number of re-prints rose by less than 10%, but by similar percentage the number of unsigned articles dropped. Commentaries accounted for some 70%.

In accordance with the number of published articles, the number of authors writing about human trafficking is large in all six Belgrade dailies. The widest variety of authors is, nevertheless, present in *Glas javnosti* (e.g. 28 articles in 2005 written by 17 authors), followed by *Kurir* and *Blic*. All other papers have two names regularly appearing as authors of articles on trafficking.

### **3. Internet and the recruitment of human (child) trafficking victims, pedophilia and exploitation of children in pornography - the incidence and quality of reporting in the Belgrade dailies in both observed periods**

For the six months of 2004, there were 15 articles addressing the problem of child exploitation for pornography and pedophilia on the Internet, mainly in the form of news. In eight cases, news concerned the police actions of arresting pedophiles and the distributors of child pornography which took place in foreign countries - Denmark, USA, Scotland, Sweden, Norway, Finland and Croatia. One article addressed a mini conference of the European Parliament which discussed making stricter regulations against pornography, while another discussed the research of the British experts on the availability of "websites for adults" to children. Other six articles were reserved for our country: four articles dealt with the roundtable organized by Save the Children, where the representative of the Serbian Interior Ministry (Mol) said that the Mol had no knowledge of domestic websites with contents in which children were abused for pornography and called on public to report in future all such cases to relevant authorities, while in two other articles, pedophilia and child pornography on the Internet were mentioned only by the way, within other topics (theft and frauds on the Internet and a need to pass the law on advertising).

*"...Increasing reliance on information communication technologies, besides innumerable upsides, is favorable to a range of downsides of a modern world, from already recorded murders ordered by the **Internet** to human trafficking and popularization of pedophilia..."*

**Part of a commentary "Web Criminals", by Marko Lakić and Miloš Ž. Lazić**

**Politika, April 24, 2004**

*"In Croatia, in three police actions, Croatian authorities were tackling **Internet** child pornography. Our police have no information that such abuses are present in our country. A simple logic that in the closest neighborhood such criminal offences are committed would have to warn us that such situations are possible here, said Mitar Đurašković, calling on citizens if they have any such knowledge to report it to the police."*

**Introduction of a report "For Children Not to Become Slaves" by A. Cvetičanin about the roundtable organized by Save the Children.**

**Politika, March 3, 2004**

*"Belgrade - Mol is calling on citizens and public to report all cases of child pornography on the **Internet** or any other medium, said the representative of the National Team for Combating Human Trafficking and Border Police inspector Mitar Đurašković."*



At the roundtable organized by Save the Children, he said that the Mol had no knowledge that there were Serbian sites with child pornography, but such cases had been registered in Croatia."

**News "Dangerous Sites"**

**Večernje novosti, March 3, 2004**

*"Stockholm - The police of Sweden, Norway, Finland and Denmark reported that they had launched a wide joint action against the network of pedophiles and that hundreds of persons had been arrested. As reported by Swedish news agency TT, the police had arrested more than hundred persons and seized large quantities of incriminating material".*

**News, "Pedophiles on Target"**

**Blic, May 26, 2004**

*"Zagreb - Eight citizens of Croatia were suspected of participating in a world pedophile ring, which published and exchanged child pornography over the **Internet**, reported the Croatian police yesterday. At a press conference it was said that in international police action, in which the Croatian police had taken part as well, a large pedophile ring had been broken up and 252 persons from 30 countries discovered who had been publishing and exchanging child pornography over the Internet.*

*The police action started in January last year, when the Croatian Mol got information from Interpol that one of Internet users in Croatia was spreading child pornography.*

*The police revealed his identity and he is in detention, while plenty of pornographic material was recovered from his computer."*

**News "Eight Pedophiles from Croatia"**

**Kurir, June 9, 2004 (taken from BETA News Agency)**

In 2005, for the six months of coverage, the Internet was mentioned only in two articles (commentary) which treated human trafficking issue.

*"One of these trends is decreasing efficiency of raids carried out in bars. In Kosovo, for example, there were 2,753 raids from January 2003 to April 2004, but only 75 human trafficking cases were identified. This indicates to the fact that human traffickers have progressed considerably. Borders are now crossed more legally than illegally, indicating better organization; it also seems that communication and planning are increasingly done by using the **Internet**."*

**Part of the comment "Evil Changing Its Face" (re-print from Transition Online - Prague)**

**Politika, August 22, 2005**

*"Rise in child trafficking has been registered in practice in recent months, because their 'buyers' consider that the risk of STDs is lower in sexual intercourse with them and with young women. It is 'fashionable' for trafficked victims from the Black Continent to slave in Europe and for Asians in Africa. Experts in this area have recorded that some one hundred prostitutes went recently missing in Italy. It is assumed that they were abused for trafficking in body organs.*

*However, what makes the tracing down of organizers more difficult is the **Internet**, as it happens that child pornography is produced in one country and distributed in the other."*

**Introduction of the commentary "Slaves across Serbia", by E. Radosavljević**  
**Večernje novosti, July 23, 2005**

What can be observed in the fragment of the first text is that "the Internet in the service of human traffickers" is mentioned in the context of facilitation of their mutual communication and agreement, and not as a tool for recruiting victims, while the other one puts the problem of child pornography distribution over the Internet in the context of discussing human trafficking issue.

Pedophilia on the Internet appears as a topic only seven times for the six months of analyzing papers in 2005. Of this figure, six articles referred to the first identified case of Internet pedophilia in Serbia, so called "the Šabac case"<sup>8</sup>.

The only article which does not refer to that concrete case from Šabac will be given here in full due to implicit link with the child trafficking issue and giving answer to the problems which our society will be faced with (or is already facing).

*"Pedophilia on the Internet falls in the category of organized crime, and already in its definition it does not end on individual cases. We know much more about the cases of sexual abuse of children in the family, which are the most frequent, or in institutions from an eleven-year experience of Incest Trauma Center. Data and analyses of the phenomenon do not depart in any way from the data in the world. Therefore it can be expected that the problem of pedophilia on the Internet would in the same way appear in our country like in developed countries and that we will come across the pedophile rings - active and factual possession of photographs of children exploited by the perpetrators of this offence, our citizens.*

*Hi-tech equipment and inter-agency cooperation is necessary for the suppression of this criminality. It is important not to minimize that this has not existed here until now, but only lacking was readiness to prosecute it ex officio. Besides the response offered by CLRS in its article which regulates pedophilia on the Internet, equally responsible are the Government of Serbia for the creation of a long-term strategy, inter-governmental organizations (Unicef, Interpol, Europol. . .), different agencies pursuing the rule of law, but also the private sector: Internet Service Providers responsible for websites they approved, advertising agencies, companies issuing credit cards and having insight in the purpose of transactions made, then software companies through which child pornography is downloaded and tourist agencies which may be involved in sex tourism."*

**Article "Pedophilia, the Internet and Serbia", author Duška Popadić, director of Incest Trauma Center**  
**Blic, June 19, 200**

#### **4. The quantity and incidence of reporting on human trafficking - the print media in Serbia**

One of initial ideas of this research was to examine and compare the treatment of this social problem in daily papers in the capital and in other towns throughout Serbia. However, having got acquainted with "the media picture" in Serbia, at least as far

<sup>8</sup> More on media reporting on this case you may find in Appendix 1.

as the print media are concerned, we concluded that there is a very small number of dailies there. Dailies as a rule are published in bigger towns such as Niš and Novi Sad. All other papers are weeklies, biweeklies and monthly editions. Also, during the field work we got acquainted with difficulties above all of financial nature with regard to the publishing of papers in smaller communities. Therefore, it would happen that some papers were published "when there is money for printing", like, for example, *Novi srpski venac* from Bujanovac, or that in the period of analysis its release stopped, which was the case with *Sandžacke novine*.

All of these made it impossible to run a precise comparative analysis, because we could not find an adequate number of dailies in local communities. However, these data also, in "cooperation" with those to come, are significant for making a "general picture" of the media presentation of the human trafficking issue.

From the beginning of June to the end of November 2005, of 19 local papers comprised by this survey, texts addressing human (child) trafficking appeared only in seven. In dailies *Narodne novine* from Niš and *Dnevnik* from Novi Sad, this social problem was addressed 13, that is, 22 times in six months.

These two papers are also the only dailies analyzed which are published outside Belgrade. As for weeklies and bi-weeklies, they publish articles on human trafficking only sporadically, i.e. the number of articles ranges between one (*Pančevac* from Pančevo, *Užička nedelja* from Užice, *Bratstvo* from Bosilegrad) to three (*Slobodna reč* from Vranje) and four (*Ibarske novosti* from Kraljevo).

Papers in which the human trafficking issue did not appear as a topic even once are *Timok* and *Naša reč* from Niš, *Vršacke vesti* from Vršac, *Novine vranjske* from Vranje, *Polimlje* from Prijepolje, *Užčke vesti* from Užice, *Čačanski glas* from Čačak, *Sandžacke novine* from Novi Pazar (weeklies), *Vršacka kula* from Vršac, *Kikindske novine* from Kikinda, *Novi srpski venac* from Bujanovac (biweeklies) and *Glas islama*, a monthly paper from Novi Pazar. As for Vranje Press news agency, the human trafficking issue appeared on their website 25 times in six months.

Unfortunately, such a small number of articles in "local" papers excludes the analysis of frequency of their publishing and bring us to only one conclusion: the print media in Serbian towns, save the capital, marginalize the human trafficking issue and deal with it only sporadically. This conclusion is also implied by the analysis of the authorship of published articles, which clearly indicate that in 50% of cases they are taken from the Belgrade news agencies such as FoNet, Tanjug or Beta (20), re-printed from Belgrade daily *Glas javnosti* or the Vranje Police Department appears as the source of information. In the Vranje Press news agency, this trend is even more noticeable: of 25 articles, only four are commentaries, while 11 were taken from Belgrade agencies, six were re-printed from Belgrade dailies, three from ASTRA and one from BBC.

## **5. The ways and aspects of treating the human trafficking issue and qualitative differences in reporting - the print media in Serbia**

### **5.1. Journalistic genres, causes, topics and placement**

Like in the Belgrade dailies, most common genres in local papers are news and reports. There is no difference with regard to the cause for reporting, as well - the cause is a concrete event, either a human trafficking (46) or a child trafficking case (16). The only printed text which explains the very phenomenon of human trafficking was published in *Ibarske novosti* from Kraljevo,

signed by a journalist of this paper. On the website of the Vranje Press, readers had opportunity to read on the essence of the human trafficking issue two times in six months. Specific characteristics of child trafficking, forms, causes and consequences appeared not even once as a separate topic in local papers covered by this survey. Hence, it is not a surprise that this social problem found "its place under the sun" mostly in crime sections or the chronicle of the day.

Chart 5.1.1. Proportion of journalistic genres in reporting on human trafficking (Serbia)

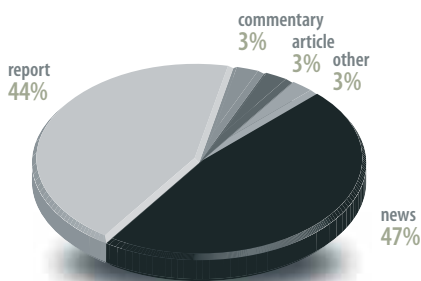
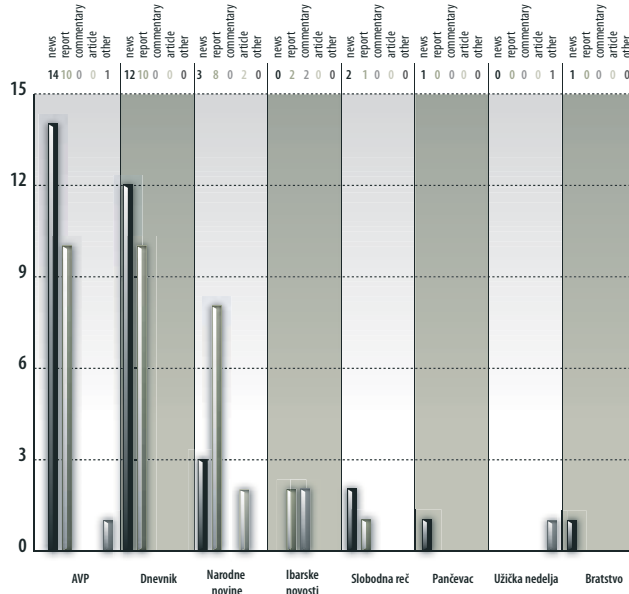


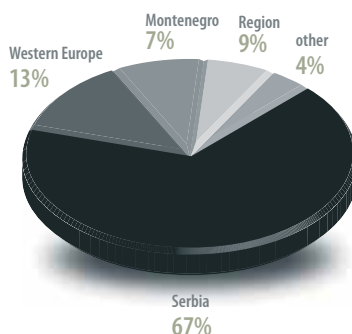
Chart 5.1.2. An overview of journalistic genres by specific papers (Serbia)



## 5.2. Countries to which the articles referred

The journalists of Serbian print media covered by this survey wrote in the majority of cases about activities carried out in our country, which concerned human trafficking and combating thereof. Of 70 articles analyzed, in as many as 47, the topic was this kind of criminal activity which took place in Serbia or which actors (traffickers or victims) were our citizens. Reports on events in Montenegro appeared only five times in six months and only in *Dnevnik* from Novi Sad (3) and *Vranje Press* (2). Events from the region were addressed six times (*Dnevnik* (2), *AVP* (3), *Ibarske novosti* (1)), while trafficking cases which took place in some of EU countries were reported on nine times - *Narodne novine* (2), *Dnevnik* (2) and *AVP* (5).

Chart 5.2.1. Countries to which the articles referred (Serbia)



## 6. Internet and the recruitment of human (child) trafficking victims, pedophilia and exploitation of children in pornography - the print media in Serbia

From the beginning of June to the end of November 2005, in all print media in the Republic of Serbia covered by this survey not any article treating Internet pedophilia and child pornography and the recruitment of trafficked victims over the Internet was published. However, in May 2005, which is not covered by the analysis, there were two articles on "the Šabac case" - one in daily *Dnevnik* from Novi Sad and one on the website of Vranje Press Agency.

## Conclusion

The first significant fact which came out of the analysis of the print media is that, as opposed to previous years, at least as far as Belgrade is concerned, in 2005 the intensity of reporting about human (child) trafficking considerably decreased. Fall is persistent in all Belgrade dailies included in the survey, but this is more or less pronounced in specific papers. As human trafficking is a serious social problem and a form of organized crime, and as the practice of experts dealing with it does not indicate its being reduced by more than half since one year earlier, as someone could conclude on the basis of published articles in the two periods under consideration, reasons for this should be sought elsewhere.

Human trafficking has been at issue in our country for more than six years. The evaluation of all ASTRA's trainings and workshops in last two years shows that the great majority of actors are aware that the problem exists in our country. As a matter of fact, this is confirmed by a survey on high school pupils which is presented in the next section of this publication. Credits for the awareness of the problem, besides organizations dealing with human trafficking prevention, certainly go to journalists, as well. This issue was increasingly written about until 2005, when a considerable decrease in the number of articles could be observed. For this reason, it is not impossible to assume that journalists got "fed up" with the topic because "now we all know what it is". But, do we really know? An average citizen has heard of human trafficking and knows that it exists in our country, but does he really know what this issue involves, who may fall victim, who are traffickers, how does this criminal activity take place, in which ways, what are the consequences? On the other hand, daily political topics day after day overflow the papers and television. One political scandal replaces another, transitional problems are heaping up (crime, lay-offs, strikes...), and these are the topics journalists most often write about. Therefore, we may assume that in the time and conditions we live in, there is no much space in "the media sky" for the presentation of a problem like this. However, these are conditions which suit human traffickers. For this reason, various experts dealing with prevention and combating of this social problem have to find ways to restore media's interest, to point them out to its seriousness and consequences<sup>9</sup>. Now, let us go back to the number and frequency of reporting on human (child) trafficking.

The comparison of the number of articles published in the second half of 2005 between dailies published in Belgrade and those published in Niš and Novi Sad shows that the situation is even more unfavorable: there were 22 articles published in Novi Sad's *Dnevnik* and in Niš's *Narodne novine* only 13. In other weekly and biweekly papers, media attention is given to human trafficking only sporadically. However, we should not claim *ad hoc* that people who live outside Belgrade are automatically less informed than the citizens of Belgrade, for a simple reason that all Belgrade papers have a wide retail network and could be purchased in the whole territory of Serbia.

Like in previous years<sup>10</sup>, in both 2004 and 2005 what could be observed is a discontinuity in reporting. Journalists write only when something happens, either, for example, a trial before the Special Court or a report released by OSCE or Amnesty International. There is an illustrative example of the trial against Milivoje Zarubica and his group, where in the peri-

<sup>9</sup> Unfortunately, during our work on this research, we were faced with the fact that relevant professionals paid even less attention to this problem - recruitment over the Internet and various forms of Internet abuse in general. Papers, analyses on this topic almost do not exist.

<sup>10</sup> ASTRA, "Media Presentation of Trafficking in Women" in *Trafficking in Women - Manual for Journalists*, (ASTRA: Belgrade, 2003), p.58.

od from February 2004, when victims from Moldova testified, until the beginning of March when the judgment was made, as many as 25 articles were published in Belgrade dailies. During this period, a greater number of articles was published about a British journalist who wrote for London's Sunday Times an article on the sale of Roma children in Montenegro, to which Montenegrin authorities responded by raising charges for the violation of reputation of Montenegro. In 2005, media attention was drawn by two cases tried before the Special Court in Belgrade - a trial against the so called Pančevo group and against Mladen Dalmacija and his companions (15 articles). Scandals which were frequently followed by media for a longer period of time are "the S.Č. case" in 2004 (91 articles) topical since December 2002<sup>11</sup> and "the missing babies scandal" (50 articles for both periods under consideration).

Differences in the number of articles published in Belgrade dailies are visible with regard to the six-month period of 2004. Leaders in terms of the number of articles were *Danas* and *Večernje novosti*, whereby both papers with almost the same incidence reported on human trafficking in the form of news and report.

This data is important since reports are often "reserved" for events such as congresses, conferences, roundtables, the presentations of researches and the like, which in the context of reporting on human trafficking means the direction of attention to actions which the society (organizations and institutions) takes to prevent or combat the problem. In other words, journalists of these papers paid attention to both this kind of actions and to concrete cases of human trafficking. These two dailies also had the greatest number of commentaries, a genre which is convenient for explaining the phenomenon itself. In 2005, besides *Novosti* and *Danas*, reports started to appear more often, in terms of percentage, in *Glas javnosti* and *Politika*.

However, in both periods under consideration, what could be observed is a complete absence of article as a genre. Article, by its contents and form, implies the examination of social phenomena, events and problems (such as human trafficking) from several angles, concisely and comprehensively, which implies good knowledge on the problem a journalist wishes to write about, investigated (and discovered) facts from several sources. From the point of view of us who deal with the human trafficking issue, this kind of texts is really an important and valuable means of primary prevention. A great number of different authors of texts on human trafficking, as well as the treatment of the issue as "a concrete event that happened" on the pages of "crime section" tells us that, unfortunately, investigating journalism is not fostered in Serbia, at least when daily papers are concerned.

The problem of absence of investigating journalism brings us to the topic of this research - the recruitment of persons (children) for human trafficking through the Internet. The analysis shows that only a small number of articles treated child pornography and pedophilic networks which operate and which can be discovered on the Internet, as well as the measures and actions undertaken against this form of crime, while the number of those explicitly claiming that the Internet may serve to criminals for human trafficking is really irrelevant. The Internet recruitment of trafficked victims as the new form of entering the trafficking ring was not the topic or the part of the article, not even incidental commentary in the entire sample of the print media. In other words, we should not talk about directing media attention to this problem because it *de facto* does not exist.

<sup>11</sup> Ibid, p. 62.

The questions which should be raised here concern the improvement of cooperation of the NGO sector and the media, the discovering of mutual professional needs and journalists' motivation to enter *terra incognita*, which excludes performing this, for a society very important, profession mechanically.

The practice of NGOs involved in the prevention and combating of human (child) trafficking clearly indicates that the problem exists (e.g. cases reported to ASTRA SOS Hotline), but the trend of the Internet recruitment of victims is relatively new and unknown phenomenon in our society. It is investigating journalism which may help experts to discover the size of the phenomenon, but, more importantly, it may contribute to informing general public about its existence, risks it involves, as well as how to protect above all our children, in the era of new communication technologies, from human trafficking.

On the other hand, the initiation of media presentation of any social problem or its aspects with a view to informing the public and primary prevention should in no way be borne by media workers only. This is the case when we speak of the Internet recruitment of trafficked victims, as well. Different organizations and institutions dealing with human (child) trafficking are more than invited to draw public attention to changes in trends and/or forms, because they are in position to get first information and facts. Thus we again return to the need of quality and frequent cooperation between the media and professionals, as well as the need of designing systematic actions and long-term plans which include all relevant factors in the society (the police, the judiciary, NGOs, Internet industry professionals, the media). Therefore, conclusions of this analysis should not be treated as a criticism of journalists' work, but more as a call on experts to explain to the media that the recruitment of people, especially children, for human trafficking over the Internet is possible and that, without agile joint action, it is only a matter of time when this phenomenon will become big.







## SECONDARY SCHOOL PUPILS IN SERBIA - HUMAN TRAFFICKING, THE INTERNET, SPECIFIC NEEDS AND PROBLEMS IN USE

### Introduction

This survey has a seemingly very simple task - to establish what portion of the adolescents uses the Internet, how often and for what purposes. The reason for this survey, however, is not to discover "how many young people have a PC at home" or "how many secondary school pupils can afford the Internet".

The survey seeks to locate the circle of the potentially vulnerable when recruitment for human trafficking in general, as well as over the Internet is concerned, and, on the basis of obtained information, to adjust prevention programs. To that end, we examine the very share of Internet use, frequency and purpose, but also possible unpleasant experiences and offers which young people obtained through this communication means. To get a full picture, we asked respondents to answer to a set of questions about what they knew about the very problem of human trafficking, as well as to the questions about their opinions on whether someone could be recruited over the Internet at all, and if they thought so, what should be society's response to prevent this.

However, what should be borne in mind is that this survey, being experimental, in no way attempts to discover "indisputable links between causes and consequences" which would apply to all our children, but more to mark out certain tendencies which should be paid attention to and more thoroughly examined.

### Research Methodology and Sample

Data were obtained on the basis of specially designed questionnaire<sup>1</sup> and processed with quantitative analysis through statistical processing (descriptive statistics, cross-tabulations, hi-square for establishing significance of differences), descriptive analysis and the synthesis of data.

The sample comprised 1,205 pupils of general education (gymnasium) and vocational secondary schools, of both genders, between 14 and 19 years old (all four grades), who attended schools in six towns in Serbia - Šabac, Novi Sad, Novi Pazar, Vranje, Užice and Belgrade.

### Research Tasks

1. To establish what portion of the sample is acquainted with the problem of human trafficking and its aspects and whether there are statistically significant differences by socio-demographic variables observed.
2. To establish how many respondents use the Internet, how often and for what purposes (taking into account socio-demographic variables).
3. In the sample of young people who use the Internet, to establish:

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<sup>1</sup> For questionnaire, see Appendix 2.

**a.** How many of them chat over the Internet and whether there are statistically significant differences in the number of persons who do (not) chat in terms of gender, the place of residence, the type of school and age.

**b.** The share of respondents who had unpleasant experience while chatting, as well as the kind of unpleasant experience, the share of respondents who received various offers over the Internet and the kind of offers, and the share of those who met in person individuals whom they first had contact with over the Internet, taking into account gender, age, the type of school and town, as well as whether there are statistically significant differences between groups.

**4.** Finally, to examine what are respondents' attitudes when we speak of the possibility of recruitment over the Internet, the modes of recruitment and the ways of efficient response of the society to this problem.

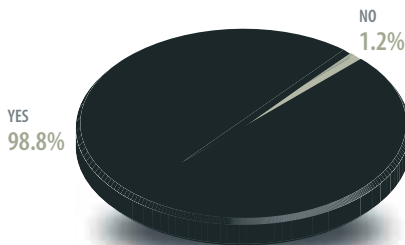
**Examined variables:** socio-demographic (gender, age, the type of school, town), familiarity with the problem of human trafficking (it does (not) exist, the definition of the problem, actors in the chain of human trafficking, prevention methods), the use of the Internet (quantity, frequency, purpose), the use of Internet chat rooms (quantity, unpleasant experiences, offers received).

## Results

### 1. Have our secondary school pupils heard of the problem of human trafficking?

If we observe the entire sample, 98.8% of respondents have heard that human trafficking exists, while only 1.2% has never heard of this problem. The situation is not much different with regard to the (in)existence of the problem in view of socio-demographic variables. Significant statistical differences have not been registered between pupils attending different schools (general education or vocational), living in different towns or attending different grades. However, statistically significant difference (at the level of 0.01) appears when we observe the gender of respondents - all girls from the sample knew of the problem, while 13 boys (2.6% of all boys) have never heard of it.

Chart 1.1. Familiarity with the problem of human trafficking for the whole sample



As for the answer to the question which logically follows - if human trafficking is present in Serbia, the situation is almost identical as in the previous question. There are no statistically significant differences between groups, except those by gender: here also significantly larger number of boys thinks that human trafficking does not exist in Serbia (3.9% boys to 1.4% girls).

Both boys and girls define the concept of human trafficking in the same way, while differences in definition do not depend on age, the place of residence or the type of school. Human trafficking is most often understood as the exploitation of people (20%), than as the sale and purchase of people (18.5%), kidnapping (10%), sexual exploitation (8.7%) and abuse (7%). Other categories are tautological explanations: "this is trafficking in men and women..." (6.5%), "a way to make money and deprivation of liberty (5.2% each), taking away from the country (4.1%), something worst (2.8%), "white slavery" (2.4%), prostitution, criminal activity, deception, violation of human rights, crime, the sale of babies, labor exploitation, transportation, blackmail (less than 2%).

From the corpus of answers to the question who may fall victim to human trafficking, four answers stood out - children, women (primarily younger), younger people and everybody. If we observe only these categories, for 42% of respondents victims are children, for 26.5% women, for 15% victims may be all people and, finally, for 6.5% young people. The same as with the definition of the concept, differences in answers with regard to gender, age, the type of school and the place of residence have not been observed. Other categories, due to small incidence, are mentioned here only as an illustration: the poor, persons without support, the homeless, the naïve, national minorities, the unemployed, children without parents, the ignorant, models, prostitutes, tourists in foreign countries and the like.

As for the opinions of surveyed secondary school pupils about who may be human traffickers, among all respondents except for those from Novi Pazar, they went towards the following categories of people: people who want quick and easy money, criminals and mafia and all people (one third of answers for each category). In Novi Pazar, respondents' opinion is somewhat different, because 70% of them put criminals and mafia in the first place, while category "all people" had less than 10%. For illustration, we are listing less frequent answers as well: they are calculated, arrogant and evil people, perverts, narco-bosses, sect members, disturbed, psychopaths, sexual maniacs, dangerous bullies.

The respondents described really impressive number of possible ways of recruitment of human trafficking victims. However, the most frequent categories in all age groups, towns, with both genders and both types of schools are: recruitment over the Internet, abduction, through phony newspaper ads and job offers and giving false promises of better life. However, pupils from different towns attribute different "weight" to these categories.

Those from Belgrade put emphasis on opportunities offered over the Internet when recruitment is concerned, while pupils from Vranje pay least attention to that, but, unlike their peers from other towns, stress, together with pupils from Novi Sad, abduction as a frequent way of ending up in human trafficking. Pupils from Novi Pazar do not pay that much attention to phony ads in the print media like adolescents from Vranje. Those from Užice stress phony job offers as a screen for trafficking, while the category "false promises of better life" is less represented in Belgrade, Novi Sad and Vranje than in Užice, Šabac and Novi Pazar (see table 1.2).

**Table 1.2. The most frequent ways of possible recruitment of trafficked victims by town (in percent)**

Recruitment manner	Novi Sad	Beograd	Vranje	Užice	Šabac	Novi Pazar
Over the Internet	16.4	24.1	7.2	20.0	17.1	16.3
Abduction	13.6	5.6	13.2	5.2	7.2	10.9
Phony ads	14.1	14.0	19.3	15.0	17.1	6.8
Phony job offers	14.7	13.0	15.7	23.1	15.3	12.9
Phony promises of better life	7.9	8.3	8.4	13.3	13.5	14.3

Other manners of recruitment of victims in respondents' answers range from misrepresentation, getting acquainted, spending time together, dating and winning trust, recruitment by relatives, acquaintances and friends, marriage offers, traveling, education, offering easy money, escort agencies, modeling agencies, students exchange to deceptions, blackmails, debt bondage and violence.

## 2. How many respondents use the Internet and how often?

While 70.5% of respondents use the Internet, 29.5% does not use it at all. All socio-demographic variables included in the survey make statistically significant differences. This, in other words, means that, when Internet use is concerned, there is a difference between examined groups of boys and girls, those attending general and vocational secondary schools and with regard to age, i.e. grade.

Adolescents use the Internet most in Novi Pazar, while in Vranje there is the smallest number of secondary school pupils who have access to this modern communication means. It is interesting that Novi Sad has lead over Belgrade and that the capital city does not differ much from a small town like Šabac when Internet use is concerned. A considerably larger number of adolescents attending general education secondary schools use the Internet (86.5% to 54.5%), and with regard to gen-

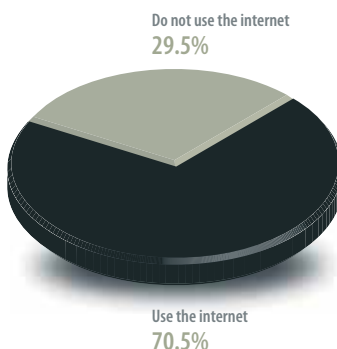
**Chart 2.1. Internet use for the whole sample (in percent)**

Chart 2.2. Internet use – by town (in percent)

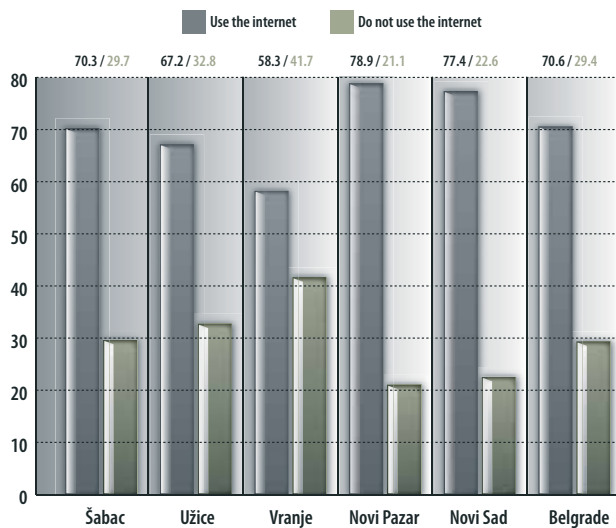


Chart 2.3. Internet use – by the type of school (in percent)

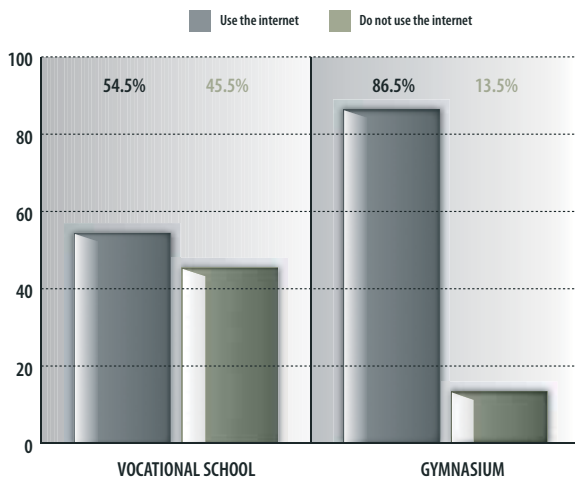


Chart 2.4. Internet use – by gender (in percent)

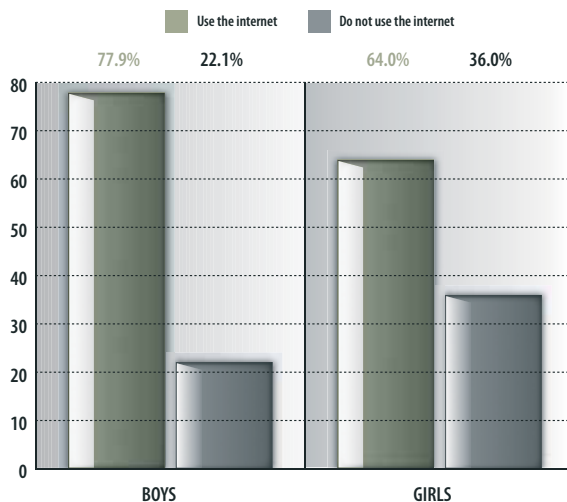
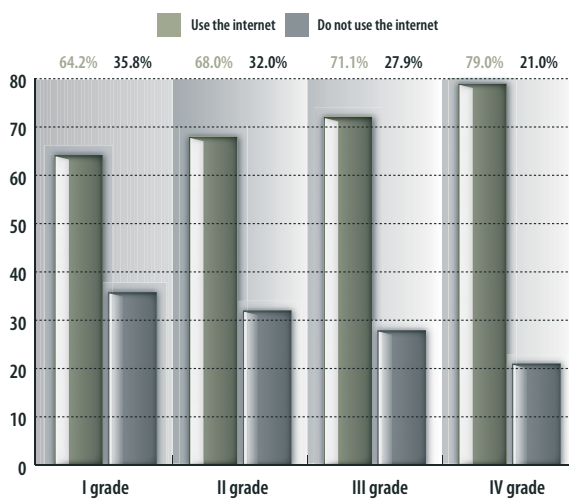


Chart 2.5. Internet use – by school grade (in percent)

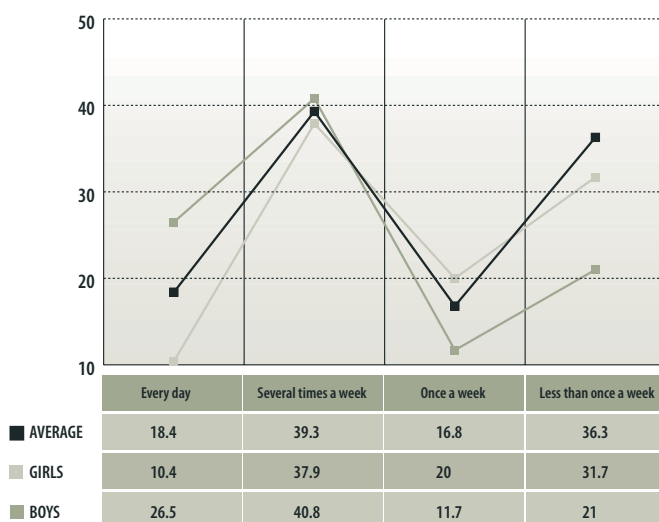




der, there is much more boys among Internet users (by 13.9%). If we observe the years of education, differences are not that drastic, but what could be observed is a permanent growth in the number of users as they approach graduation.

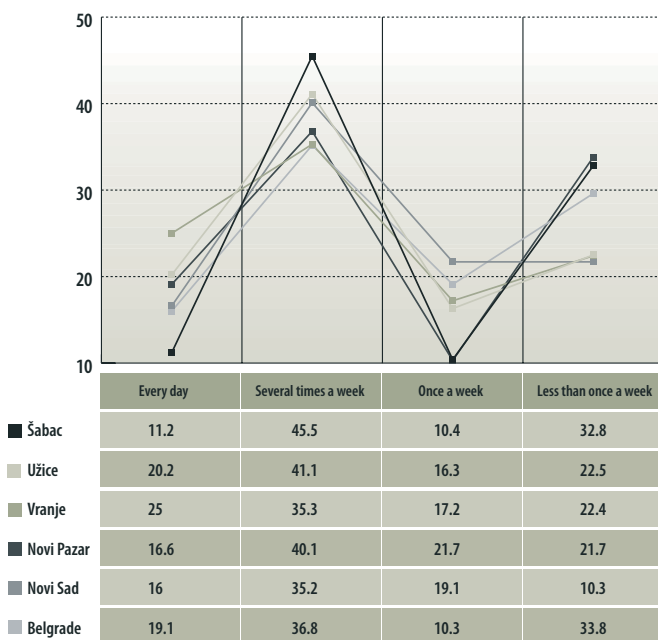
With the analysis of answers to the question how often secondary school pupils use the Internet, we wanted to establish the frequency of Internet use (categories - every day, a few times a week, once a week, less than once a week) in order to discover possible links between "time spent on the Net", chatting and unpleasant situations which adolescents experienced surfing "the virtual world". It shows that, when the type of school or school grade attended are concerned, no significant statistical differences could be observed between groups, that is, children from general education secondary schools use the Internet with similar frequency as children from vocational schools from all age groups. Adolescents, on average, most often use the Internet several times a week (39%), than less than once a week (27.2%), every day (17.8%) and once a week (16%). However, with regard to the respondents of different gender, as well as to those living in different towns, the difference becomes statistically significant. Girls on average use the Internet less often than boys, which is confirmed by the frequency of use. Chart 2.6 shows that girls use the Internet every day only in 10.4%, and more than boys, expressed in percents, use the Internet once a week or less.

Chart 2.6. Frequency of Internet use (in percent)



Secondary school pupils use the Internet mostly for fun (76.6%), than to find useful information (63.2%), for sending and receiving e-mails (36.9%), for meeting new people (26.6%) and, finally, for other purposes (7.7%). Other purposes mentioned are most often downloading music, movies and useful programs.

Chart 2.7. Frequency of Internet use by town (in percent)



### 3. Communication over the Internet - frequency, the types of unpleasant experiences and the types of offers which the secondary school pupils received in Internet chat rooms

About 38% of respondents from the whole sample and more than half of those using the Internet report that they chat over the Internet, i.e. use this medium to communicate with other people (460 respondents).

During such communication, 170 of them had various unpleasant experiences, 220 received offers (for meeting in person, dating, marriage, traveling, job, education...) from people they first met over the Internet; 284 report that their friends received similar offers, while 174 met in person with someone they communicated with over the Internet (chart 3.1).

If we observe the ratio of boys and girls who use Internet chat rooms and who had any kind of unpleasant experiences, it is 52.2% girls to 47.8% boys, but this difference is statistically insignificant. The most often kinds of unpleasant experiences that girls had were sexual harassment, insults and vulgarities, while boys stressed swearing, vulgarities, insults, sexual harassment and insults on national basis (see chart 3.3).

The respondents who chat and who live in different towns had unpleasant experiences over the Internet in different percent. This difference is statistically significant at the level of 0.001 and clearly indicates that adolescents in Šabac and Novi Pazar experienced unpleasant situations on the Internet more often (32.4% and 27.1% of the whole chatting sample) than their peers from Belgrade (8.8%), Užice (7.1%), Vranje (9.4%) and Novi Sad (15.3%).

Chart 3.1. Internet and unpleasant experiences, received offers, received offers (friends), meeting in person, on the sample of adolescents who chat (in percent)

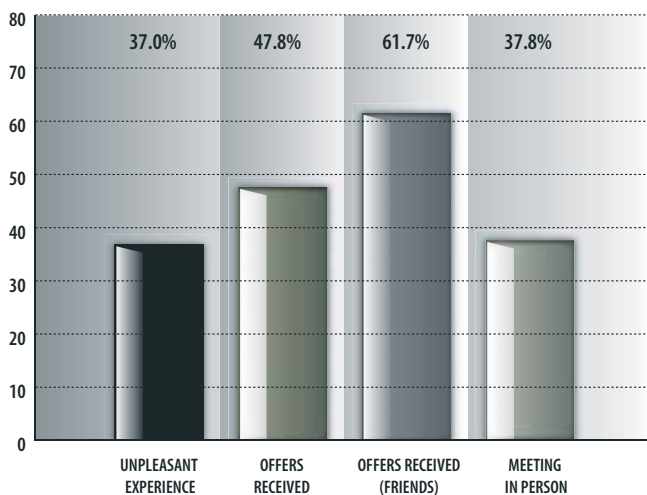
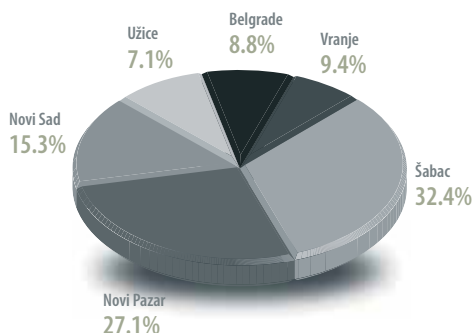


Chart 3.2. Unpleasant experiences in chat rooms, by town (in percent)



**Table 3.3. Unpleasant experiences in chat rooms**

TYPE OF UNPLEASANT SITUATION	female (%)	male (%)
Sexual harassment	33.3	9.1
Insults	27.1	20.0
Vulgarities	18.8	10.9
Swearing	6.3	27.3
Threats	6.3	5.4
Various offers	4.0	7.3
Quarrels	2.1	7.3
Abuse	2.1	0.0
Rude jokes	0.0	1.8
Insults on national basis	0.0	10.9

37.8% of adolescents who use the Internet met with their Internet contacts in person. Differences according to gender with regard to these two variables are not statistically significant. However, as far as 220 secondary school pupils who received certain offers are concerned, difference by gender is statistically significant at the level of 0.001 in "favor" of girls - girls received such offers much more often than boys. Of all girls who chat over the Internet, 57.8% received certain offers at least once through this means of communication, compared with 38.6% of boys who chat.

**Chart 3.4. Offers received from contacts in Internet chat rooms**

KIND OF OFFER	female (%)	male (%)
Meeting in person	57.8	52.6
Dating	21.1	20.0
Joint trip	6.1	3.0
Sex	3.9	3.0
Friendship	3.3	4.4
Marriage	2.8	4.4
Job	1.7	6.7
Various offers	0.9	1.2
Modeling career	0.6	0.0
Money for sex	0.6	0.0
School abroad	0.6	2.2
Sex with older person	0.6	0.0
Prize trips	0.0	0.7
Leaving school	0.0	0.7

The most frequent offer which both girls and boys received while chatting over the Internet is to meet their contact in person and start emotional relationship with them. Boys received job offers and offers to continue school in a foreign country in a larger percent, while girls were more often offered joint trips (see table 3.4). Besides these, categories in which differences according to gender could be observed, although present in small percent, are offers for modeling jobs, money in exchange for sexual services and offering sex by older men when girls are concerned, and offers for prize trips, scholarships and leaving schools when boys are concerned. The attendance of certain type of school, age and town played no role in the quality of received offers.

#### **4. Secondary school pupils' opinion on the possibilities of recruitment for human trafficking over the Internet, recruitment methods and efficient society's response to the problem**

The majority of respondents is of the opinion that recruitment over the Internet is possible (87.4%), while 12.6% think that this is impossible. Although this opinion is supported more in Belgrade and Novi Sad (94.1% and 90.1%), differences between towns are not statistically significant. Also, statistically insignificant is the difference with regard to possible recruitment over the Internet between the pupils of general education and vocational secondary schools, although affirmative answers were more frequent in the first group, by 3.4 percent. With regard to age, i.e. grades attended, what can be observed is linear increase of affirmative answers as they approach graduation, although this increase is statistically insignificant (83.6%-88.3%-88.6%-89.6%). However, respondents' gender does make significant difference, and girls gave much more affirmative answers (90.4%) than boys (84.7%).

In the whole sample of secondary school pupils, the most frequent categories of methods for the recruitment of trafficked victims over the Internet were invitation for meeting in person, attractive job offers, false promises of better life, false presentation, various ads that could be found on the Internet and invitations for joint trips. The same as with reported recruitment modalities in general, no significant qualitative difference could be observed here with regard to gender, the type of

**Table 4.1. Most frequent ways of possible recruitment of trafficked victims over the Internet, by town (in percent)**

RECRUITMENT METHOD	Novi Sad	Beograd	Vranje	Užice	Šabac	Novi Pazar
Meeting in person	29.4	25.0	24.7	17.8	29.2	27.8
False job offers	16.0	23.3	8.2	28.7	18.3	17.9
False promises of better life	7.1	10.2	11.3	7.5	8.3	13.9
Misrepresentation	4.9	4.0	6.2	2.3	4.2	9.3
Internet ads	4.9	6.2	13.4	8.0	3.1	4.0
Marriage offers	1.6	6.2	1.8	2.9	5.0	2.6
Trip offers	2.0	4.5	2.1	4.0	6.7	2.6

school and age. However, certain differences were registered in the distribution of strongest (most frequent) categories: respondents from Užice, unlike others, put job offers before invitations for meeting in person, while in Vranje the situation is reverse. Adolescents from Novi Pazar more often than others see misrepresentation as risky, while various suspicious ads are stressed by adolescents from Vranje, Užice and Belgrade. Secondary school pupils from Belgrade and Šabac see marriage proposals over the Internet as possible way into trafficking in human beings more than their peers from other towns (see chart 4.1).

For illustration, we mention less frequent answers as well: the exchange of photos and electronic mail, winning trust and false friendship through chat, asking for personal data, pop-up ads, school offers, modeling, blackmails through releasing porn pictures and movies or edited photos, through porno web sites, offers for escort services, invitation for sex parties, the method depends on the person and nationality, offering plenty of money for human organs and the like.

Recommendations for efficient society's response are, for convenience, given within three categories - measures which adolescents would apply on the Internet, the actions of the state and of organizations and institutions operating in it and prevention and education. Proposals are quoted in their original form, as written by respondents, but since the sample of 1,000 pupils is rather large, the list is not complete, but as some suggestions repeat or have similar meaning, it is nevertheless comprehensive. The researchers underline that "radical" suggestions, which mainly involve prohibitions, censorship, examinations, supervision and canceling, are mainly given by younger respondents (15 and 16 years of age), while those older put more emphasis on prevention measures, education and systematic approach to the issue. Of course, there was a smaller number of funny answers, such as "to burn down all computers" or "power blackout would help", but they did not find their place in these three categories.

### ***Internet and Internet chat rooms***

Not to make friends over the Internet.

To cancel the Internet.

To control websites, e-mail.

To check the Internet.

Not to use the Internet

A committee for the monitoring of the Internet

More caution on the Internet

Prohibition of some websites

Monitoring suspicious ads

Checking websites with personal offers

Prohibition of business offers over the chat

Prohibition of the use of the Internet for entertainment

and meeting new people

Prohibition of Internet access to children

Caution notice at the beginning of Internet access

Increasing the price of access to porno sites

Not to chat over the Internet

To prohibit chat

Carefulness on the chat

Supervision of chat

Not to communicate over the Internet with strangers

Censorship in Internet chat rooms

Supervisors in Internet chat rooms

### ***Prevention and education***

To show dangers of the Internet  
 To inform the public about the Internet  
 To inform young people of the risks on the Internet  
 To constantly raise this question in public  
 Producing spots and posters  
 Prevention through media, media campaigns  
 Awareness raising of youth  
 Reporting suspicious offers to the police  
 Special number for checking ads, info hotline, a center for consultations on offers

To show TV broadcasts with this topic  
 Education on the issue  
 Workshops in primary and secondary schools  
 Information on dangers on the chat  
 Pointing to the ways for recruitment  
 More parental care, building more trust between children and parents  
 Public debates

### ***Actions by organizations/institutions/state***

To catch potential traffickers who falsely present themselves on the Internet  
 Police control of the Internet  
 Stricter sanctions against the perpetrators  
 Police infiltration among human traffickers  
 Legislative activity  
 Work of anti-trafficking organizations  
 To arrest human traffickers  
 More intensive state's engagement

To arrest traffickers on the occasion of arranged meetings on the Internet  
 To punish perpetrators and confiscate assets  
 To create combating strategy  
 To improve living standards of the society  
 Systemic changes  
 To set up a body for providing assistance  
 More control at the borders  
 Combating crime

## **Conclusion**

The years of work on prevention and education by activists involved in anti-trafficking efforts seem to result in our public's being informed about the issue, including adolescents. Secondary school pupils from Belgrade, Novi Pazar, Novi Sad, Užice, Vranje and Šabac know that the problem exists and that it is present in our country as well. Statistically significant differences are observed only between boys and girls in favor of higher awareness of girls. However, it should be stressed that the percent of "yes" answers is high in both groups, exceeding 96%.

On the other hand, the definition of the problem causes some trouble to respondents. Descriptions they gave are correct but, unfortunately, incomplete and/or imprecise. Possible reasons for giving such inconclusive definitions is the incoherence and complexity of the problem itself, media presentation, but also the quality of prevention/education activities carried out to date.

One of the recommendations for better prevention work should be searched in solving these issues. Analytical deconstruction of the problem, encouraging journalists to follow all its phases, manifestations and outcomes, and the adjustment of prevention programs to the age and needs of target groups should contribute to better understanding of the concept. However, we leave final judgment to be made by practice and some future researches. What also requires additional effort is answer to the question who the victims of human trafficking are. As opposed to some previous research and evaluation of workshops with secondary school pupils, where victims were sought in the group of "naïve younger women", this research shows that epithets are not that easily contributed to certain categories any longer. However, the fact that only 15% of respondents said that anyone could be the victim calls for "a preventive alarm".

It was a bit easier for secondary school pupils to detect human traffickers, that is, answers were evenly distributed in three categories - people in search for quick and easy money, criminals and all people. The fact is that human trafficking is a form of organized crime and the course of thinking of 70% adolescents from Novi Pazar and nearly one-third of respondents from other towns that human traffickers are criminals should not be surprising. However, two things require attention - the first is the obtaining of categories which are not "from the same set" and the second is significantly larger percentage of answer "criminals" in Novi Pazar. The category "everybody/anybody" implies that traffickers could be of both genders, various age, in different relations with the victim, individuals or legal entities, while the category "criminals" implies all of these, but in a narrower sense (criminals could also be of different genders, various age...). The issue of answers given by adolescents from Novi Pazar requires taking into account factors such as security situation and the scale of human trafficking in the given region, possible inflow of crime into various spheres of society and the like. This issue, however, stays open to be dealt with by some other social instances.

As for respondents' opinion on the possible ways of recruiting trafficking victims, researchers' attention was caught by two things - recruitment over the Internet and abduction as categories which were most frequent on the whole sample. An assumption is that Internet recruitment is relatively unknown phenomenon in our country, but it nevertheless appeared in the significant number of answers. The reason for this is probably the fact that the respondents were presented with the topic of the research and thus their thinking and their answers were in a way guided in that direction. Abduction is in Serbia one of the rare ways to enter trafficking, but for years it has stood out as a frequent category in researches and surveys on children and adolescents which ASTRA has carried out. The answer could maybe sought in their very reactions to the problem in workshops and trainings which ASTRA has organized. Often reactions are disbelief, surprise and disgust (linearly). Cruelty and brutality of traffickers, victims' suffering, psycho-physical consequences which are permanent, possibly cause certain stereotypes to be formed in terms that the entering into trafficking need to be made in the same cruel way - through abduction. Thus, at least in their minds, any form of "decent" behavior of traffickers, however false it may be, is excluded. However, this is only a hypothesis which should be examined.

The other part of the research concerned the use of the Internet, the frequency of use and problems which may appear or which appear when young people use this communication means. Obtained data clearly indicate that a significant number of respondents use the Internet (70.5%), while the progress of computer technology and increasing necessity of PC and Internet use in education and work imply that this percent could only grow in years.

Although the results of this research could not be extrapolated to the entire adolescent population in Serbia, they nevertheless could give, with necessary reservation, one general picture. This is supported by a recently conducted survey by CESID and



Telekom Srbija<sup>2</sup>, which shows that 35 percent of our population use the Internet and that the most frequent category of users are people younger than 20 (constituting 32% of all users).

However, the picture of young Internet users is not that simple. All socio-demographic variables make statistically significant differences between groups, and thus girls use the Internet considerably less (by 13%) than boys; the same applies to users who attend vocational and general education secondary schools, and first-graders and older pupils. The assumption that the Internet will be used most in Belgrade (as the biggest and most developed town) was not confirmed - Novi Pazar "overtook" the capital city by more than 8%.

All groups of users use the internet most often several times a week. However, because of a permanent drop in the prices of both PC equipment and Internet services (and their extension - ADSL, wireless, cable), we have all reasons to believe that the frequency of Internet use will increase. Growth in Internet use by young people does not necessarily lead to changes in the frequency of most often reasons for using, but will certainly bring about increasing number of adolescents using the Internet for various purposes. Therefore, meeting new people, that is, participation in Internet chat rooms can only register growth in users in Serbia.

This brings us to the discussion on the use of Internet chat rooms and possible unpleasant experiences and offers which young people receive during communication. According to the results, nearly 40% of all respondents use this manner of communication to meet new people. But answers clearly show that chatting over the Internet has certain "flaws" and that unpleasant experiences are not only incidents (37%). Chat rooms are full of sexual harassment, insults, vulgarities, cursing language... The very fact that respondents characterized such a behavior as unpleasant may indicate that at the moment of occurrence they did not know how to react, how to protect themselves and stop the contact, that is, how to cope with unpleasant and disturbing contents. This, together with the frequency of such a communication, clearly shows the necessity of a systematic preventive societal action in order to teach adolescents (but also older users) to protect themselves and to raise awareness of the entire population regarding the importance and advantages of non-violent communication and the damage which individuals' aggressive behavior inflict to themselves and to the society.

The most frequent offers which contacts made to the respondents were invitations for meeting in person and dating, but girls were receiving such offers more often. Also, nearly 40% of girls (but also boys) reported that after such an offer they met their contacts in person. ASTRA statistics shows that the majority of identified trafficked victims were females of secondary school age (at the moment of recruitment), while recruitment means was often getting to know each other, (false) friendship or emotional relationship, and then, after some time, winning trust, making concrete business offers. Therefore, our opinion is that these data should be understood as alarming and the whole society should start working very seriously on advancing measures for the prevention and suppression of human trafficking. However, this question will be further discussed in the last chapter of the publication, as well as in paragraphs to come.

Cases reported to SOS hotline for assistance to the victims of human trafficking show that Internet recruitment is feasible, but the majority of secondary school pupils (87.4%) confirmed that at least one segment of our public could imagine this as a possibility. Slight linear increase of positive answers with the progress of school completely coincides with slightly greater frequency of Internet use by older secondary school pupils, which certainly indicates the accumulation of certain experiences and information

<sup>2</sup>"Internet na dlanu", a survey by Telekom Srbije a.d. and CESID-a d.o.o., December 2005, [www.pctv.co.yu/download/telekom\\_istrazivanje.ppt](http://www.pctv.co.yu/download/telekom_istrazivanje.ppt)

both on the problems which may appear on the Internet and on the human trafficking issue itself. On the other hand, girls, although using the Internet in smaller percent, gave positive answers considerably more often. Such a result is only seemingly paradoxical, because more often positive answers to this question (as well as to the question whether human trafficking exists) by girls are the result of messages which society (through the media) sends to citizens. Such messages in the majority of cases stress girls and women as victims and sexual exploitation as a dominant form of exploitation. Therefore, higher awareness of girls is not a surprise because it concerns them personally. Prevention activities, therefore, should raise the awareness of both boys and girls that "something like that CAN happen to them".

In secondary school pupils' opinion, the ways of recruiting trafficking victims over the Internet are meeting in person in the first place, followed by false job offers and false promises of better life. As can be seen, these are "standard" recruitment means applied through one relatively new communication means. From these answers we can further conclude that in respondents' opinion, the greatest danger is present in Internet chat rooms, in which new contacts are made that may lead to meeting in person and continuation of friendship or entering into emotional relationship. Taking into account a relatively frequent category of "misrepresentation", what may be concluded is that young people are trying with no success to find answer to the question how in the mass of "benign" contacts to recognize the one really dangerous. For this reason, their suggestions for efficient response of society aimed at solving the problem are often strict, restrictive and radical. However, researchers' opinion is that such answers are more the result of fear and inability to find answer than of authoritarian attitudes and wish to live in a controlled society where basic democratic values and human freedoms are not respected.

The answer of professionals to this question, with respecting the need of young people to meet and spend time with others by using modern communication means, will help the protection of our children, but also the respect of child rights and human rights in general.





## ARE INTERNET CHAT ROOMS SAFE - A FIELD RESEARCH

### Introduction

A research into the secondary school population<sup>1</sup> showed that 38% of secondary school pupils from six Serbian towns (Belgrade, Novi Pazar, Novi Sad, Vranje, Užice and Šabac) used the Internet as a means of communication. Because of the progress of the technology, which brings about increasing necessity of using computers and the Internet in education or in professional work, but also due to relatively low prices of telecommunications services and of personal computers, it is realistic to assume that in the years to come, the number of Internet users, and consequently of adolescents communicating over the Internet, will only grow. For this reason, as well as because of dozens of calls received at the ASTRA SOS Hotline, which concern the issues of security of meeting in person people whom our clients come in contact with over the Internet (joint traveling, offers for continuing studies, for making friends. . .), a need has arisen for such a research.

In other words, the idea to collect data in this way is neither new nor *ad hoc*, but what made us start the implementation of activities which results the reader has opportunity to see in this chapter is a survey into the secondary school population.

Internet chat rooms are highly visited virtual meeting places of young people. Different kinds of chat rooms, depending on the topics and/or the age of users, make it possible for you to meet, make acquaintance and spend time with persons close to you in terms of shared interests or age. Such virtual meeting places leave considerable room for anonymity and free expression, and with huge interaction and dynamics of such a communication systems, they provide opportunity for meeting a great number of people in a short period of time.

The goal of the research is to examine the problem, to get insight into activities taking place in Internet chat rooms, the possible abuse of these places and potential dangers to which young people are exposed while chatting and making contacts. Consequently, the objective is to set forth certain recommendations for launching adequate prevention programs. The identification of critical points would enable quality work with young people regarding human trafficking issues and safe use of the Internet. Insight into the situation "in the field", in chat rooms, makes it possible to develop strategies and mechanisms on the basis of which concrete actions could be taken if someone reports activities which might be characterized as pedophilia (ephebophilia), incitement to prostitution or potential recruitment for human trafficking.

### Research Methodology

The method used for this research is an experiment. Such way of data gathering required work in two phases - a preparatory phase and an implementation phase. The preparatory phase included the creation (design) of a virtual young person of the following profile: 15-year old girl, senior year of primary school, usual adolescent problems, without major problems at school, from two-parent family with relatively strict parents, shy, but with a stable circle of friends, inexperienced in emotional relationships, has "a school sweetheart", plans for future - to enroll secondary school for tourism; wishes - to travel and

<sup>1</sup>See Part Two of the publication

to see the world; this phase also included the selection of websites and chat rooms (*Serbiancaffe*, *Krstarica*, ICQ and Skype).

The selected chat rooms were the main chat rooms at *Krstarica* and *Serbiancaffe*, but controlling profiles were posted on ICQ and Skype. The same profile was used both for ICQ and Skype and for *Krstarica* and *Serbiancaffe*.

The implementation stage consisted of systematical chatting in Internet chat rooms (11 A.M. -2P.M., 3P.M.-6 P.M. and 7P.M.-10P.M.), with the rule that ASTRA never initiated the first contact, as well as the monitoring of contents of such a communication. In this phase, controlling profiles posted on ICQ and Skype were followed, as well.

The sample comprised 50 hours of chatting, and for precise analysis, the entire communication is saved in electronic form. Elements examined were socio-demographic variables (gender, age, place of residence/country, occupation), the quantity and frequency of communication, the reason for making contact, the quality of contacts made.

### A few words about the designed profile...

Through direct work with trafficked victims, ASTRA has confirmed that "the socio-psychological profile of a typical victim of human trafficking" does not exist. Statistically more frequent, certain socio-demographic characteristics and/or personal features may be only taken as a useful tool for identifying vulnerable groups, i.e. segments of the population. On the basis of these guidelines, after all, this entire research dealing with children and youth has been started, while relevant for this experiment were gender and age. In last two years, the number of identified minor victims who were ASTRA's clients rose from 10% to 44%.

Data which ASTRA possesses further show that the most frequent age category of minor victims, if we observe the moment of recruitment, is between 14 and 15 (48%), which guided us in choosing the age of the designed profile. All other characteristics are selected in such a way so as to present one "average" adolescent girls who does not have any extreme characteristic which would potentially guide communication to certain contents. With the rule of non-initiating communication, such a profile should serve as a kind of "white canvas" in order to get as realistic as possible picture of chat-room users who initiate contacts with 15-year old girls.

It should be mentioned here that, according to existing legislation in Serbia, a child is considered to be any person who has not turned 14 years of age. A minor is a person between 14 and 18 years of age<sup>2</sup>. However, international documents know of other age limits, as well. Thus, for example, according to the UN Convention on the Rights of the Child, child shall be considered to be any persons up to the age of 18. The Council of Europe also considers any person under 18 a child, whereby this limit may be put down to 16 years of age, but not lower<sup>3</sup>. It would be desirable to adjust domestic regulations with the Council of Europe's Convention<sup>4</sup>.

<sup>2</sup> Criminal Code of the Republic of Serbia, Article 112, Paragraphs 8) and 9).

<sup>3</sup> Council of Europe's Convention on Cybercrime, Article 9.

<sup>4</sup> This, however, is not necessary as of the moment of ratification, bearing in mind the provisions of the Constitutional Charter which explicitly stipulates the priority of ratified international documents over domestic legal sources - Constitutional Charter of Serbia and Montenegro, Article 16.

## Research Tasks and Problems

### This research seeks to establish:

1. How many persons and in what period under consideration will initiate communication?
2. What are socio-demographic characteristics of persons initiating communication (gender, age, place of residence/country, occupation)?
3. What are possible reasons for visiting Internet chat rooms, possible reasons for initiating communication and what is the purpose (motive) of communication?
4. In what percentage persons who make contacts reveal their personal data and photos or ask for them?
5. During the period under consideration, were there any indications of possible recruitment for human trafficking, sexual harassment, pedophilia, prostitution or other forms of abuse through the Internet?

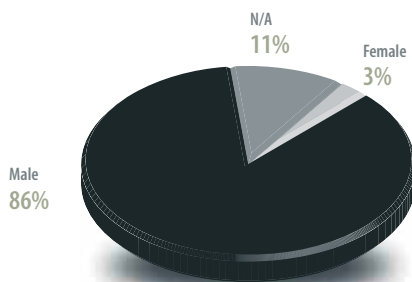
## Results

### 1. 2. Communication and socio-demographic characteristics of communication partners

During 15 days of systematic chatting, a total of 457 contacts were made. In 86% of cases, the contact was initiated by males, in 3% by females, while in 11% cases it was not possible to determine the gender. For contacts initiated by women, the reason for contacting in 40% cases was sexual harassment (five of 12).

Because of inexistence of face-to-face contact, it is significant to mention that this kind of communication enables giving false data, that is, misrepresentation, which can certainly apply to gender, as well as to the fact that the same person may represent themselves as somebody else in every new contact. On the other hand, what should be explained is not that irrelevant number of cases (11%) of those whose gender could not be determined. The reason for such a category in the sample lays in the fact that in 60% of cases, the contacts established lasted too short to determine any socio-demographic data.

Chart 2.1. Contacts made (gender structure)



### ***An example of conversation from which socio-demographic characteristics of a communication partner could not be determined:***

♂ - hi saska  
 ♂ - how are you ?  
 ♀ - hi  
 ♂ - where are you from?  
 ♀ - bg  
 ♂ - how's it going with the chat?  
 ♀ - well, not bad, I'm talking.  
 ♂ - bravo  
 ♂ - some guy?  
 ♀ - mainly boys  
 ♂ - aha  
 ♂ - and how's it going?  
 ♀ - ok  
 ♂ - ok



### ***An example of the misrepresentation of communication partner:***

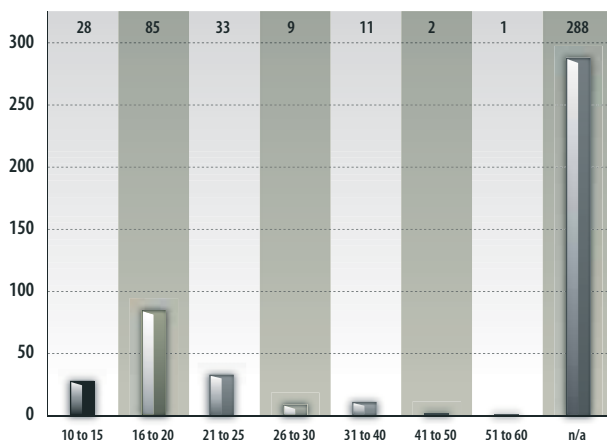
♀ - HI  
 ♀ - LIKE GIR...  
 ♀ - no  
 ♀ - BOYS  
 ♀ - well, yeah  
 ♂ - WELL, I'M DRAGAN, I'M 25  
 ♀ - I won't talk with you cause you're lying  
 ♂ - HOW DO YOU LOOK LIKE  
 ♀ - I won't tell you  
 ♂ - THAT'S BECAUSE THE OLDER ONES, BUT YOU'RE A LITTLE MOUSE AND  
 ♂ - THAT'S WHY I DISCLOSED MYSELF  
 ♂ - BYE SALE  
 ♀ - bye

The absence of initial contact by our "virtual girl", with great dynamic of this form of communication, as well as a great number of potential contacts (persons on line in the chat room at a given moment) are possible reasons for too short and insufficient communication and for its interruption.



With regard to age structure, what can be observed is that 63% (288) of contacts refused to reveal their age, 18.6% were between 16 and 20, 7.2% between 21 and 25, 6.1% between 10 and 15, 2.4% between 31 and 40, 2% between 26 and 30, two persons older than 40 and one older than 50. Age structure will be further discussed in the light of other obtained data.

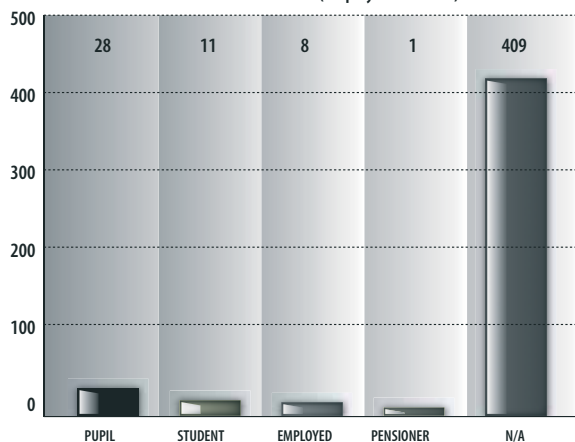
Chart 2.2. Contacts made (age structure)



In as many as 89.5% of cases, communication partners were not willing to reveal their occupation or whether they study or work.

Also, 57% of contacts did not want to reveal in what town they lived, even the country (54.7%). The second frequent category of contacts, with regard to the place of residence, is from Belgrade, which may be linked to the fact that our "virtual person" lived in the same city. If we

Chart 2.3. Contacts made (employment status)



observe countries in which contacts lived, two most frequent categories, excluding a considerable segment of communication where this information could not be determined, were Serbia and Montenegro with 39.9% and Bosnia and Herzegovina with 2%. Here it should be mentioned that all contacts were made in Serbian language and it is logical to assume that a significant portion of the category "other", if we observe contacts made and the country (chart 2.5) is composed of our nationals living in the territory of Serbia and Montenegro or our immigrants.

Chart 2.4. Contact made (place of residence)

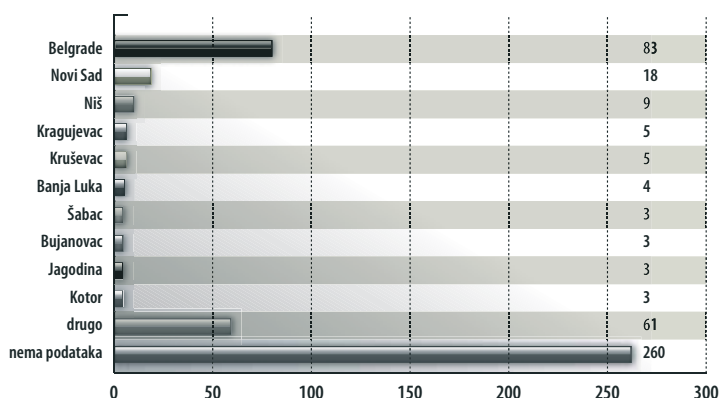
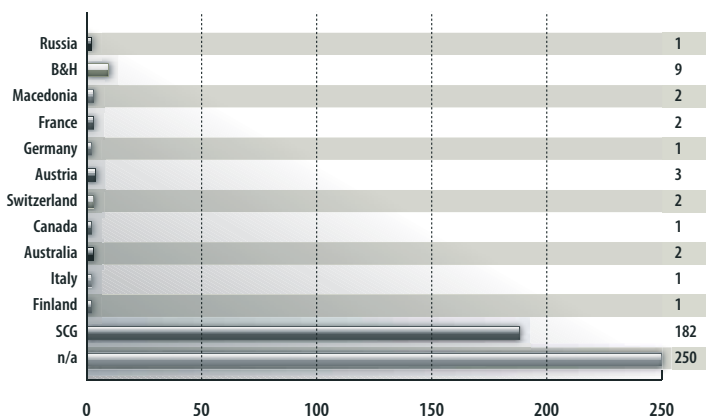


Chart 2.5. Contact made (country)



### 3. Reasons and Purpose of Contact

The reason and purpose of contact are categories which could be examined only on the basis of the analysis of contents of every single communication. Nevertheless, since the research was limited in time and since the basic principle was non-initiating the contact, the analyzed variables could be classified only in very wide subcategories, in order to avoid the errors of wrong interpretation.

Reasons for making contact are classified in the following categories: "making friends" (61 contacts), "sexual harassment" (125) and "other" (see chart 3.1). The category "other" comprises all contacts which lasted to shortly to determine the reason for making contact and it was difficult to determine whether this concerned a wish to make friends or something else.

Although the number of women who initiated the contact was rather small (13), five conversations (38%) could be classified as sexual harassment.

The reader should keep in mind that any prolongation of communication could result in different "balance of power" among the categories or in the formation of categories which were not recognized in first contacts.

#### *An example of communication classified as "other":*

♂ - hi

♂ - where are you from?

☆ASTRA - bg

Chart 3.1. Reason for making contact

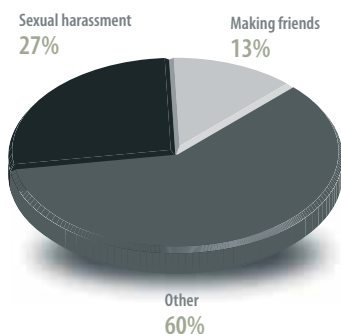
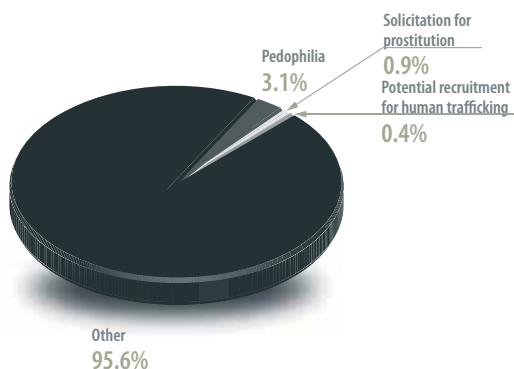


Chart 3.2. The purpose of contact



Categories established within the variable which we named "the purpose of contact" are incitement to prostitution<sup>5</sup> (4 contacts), pedophilia (ephebophilia)<sup>6</sup> (14), potential human trafficking<sup>7</sup> (2) and other (437). Since contacts made in order to make friends are not the topic of this paper, they were classified into "other", together with all those contacts which purpose, due to their shortness, could not be determined. All 20 contacts classified as incitement to prostitution, pedophilia or potential recruitment for human trafficking were made by adult males between 18 and 55 years of age.

## ***An example of pedophilia (fragments of conversation):***

♂ - 32, looking for a sexy and brave kid for occasional meetings.

♂ASTRA - and what you want for me? to be friends?

♂ - discretely... have photos? to meet you

♂ASTRA - don't have photos

♂ - it makes our further contact a little difficult, if we like each other, you'd certainly like to stay in touch?

♂ASTRA - we're exchanging massages, I'm 8th grade, I don't know if it's ok for you to be friends?

♂ - that's what I'm looking for, young kid like you

♂ASTRA - and you don't find me boring

♂ - it wouldn't be boring alive, are you attracted to be with older guys like I'm to young girls?

♂ASTRA - well, I don't know, I've never thought about that

♂ - I have a lot and came to that conclusion.

♂ASTRA - what?

♂ - that I'm attracted to 12-16 very much

♂ASTRA - ok

♂ - but we shouldn't talk about that around, this should be our little secret

♂ASTRA - well than, but why I mustn't talk about that?

♂ - and what if we be intimate, we wouldn't talk about that, would we?

♂ -... were you and me talking about being intimate last time, was it like that? you're here?

♂ASTRA - I don't know, something like that

♂ - well, it's best for you, but only if you want it. it would be discrete, occasionally, only you and I would know

♂ASTRA - well, I don't know, I'm still little scared

<sup>5</sup> Criterion for the category "incitement to prostitution" was explicit offering of money in exchange for sexual services.

<sup>6</sup> In domestic psychological literature, pedophilia is defined as "pervert sexual preference for children of the same or opposite sex, punishable under law in almost all countries", dr Dragan Krstić, *Psihološki rečnik*, (Beograd: Savremena administracija, 1991), p. 397.

World Health Organization, in ICD-10, International Classification of Diseases, defines pedophilia as "A sexual preference for children, boys or girls or both, usually of prepubertal or early pubertal age.", [www.who.int/icd](http://www.who.int/icd)  
However, in Western civilization, pedophilia is often used to describe sexual preference for any person younger than the age defined in the law as "the age of consent". A precise name of this phenomenon is ephebophilia which is defined as "a sexual preference in which an adult is primarily or exclusively sexually attracted to postpubescent adolescents; that same preference limited to men who are sexually attracted to adolescent boys; or a criminal behavior consisting of sexual abuse of pubescent or post-pubescent minors.", <http://en.wikipedia.org/wiki/Pedophilia>

"Age of consent", depending on specific country, ranges between 12 and 21, while in Serbia and Montenegro it is 14. Nevertheless, in Palermo Convention, which our country signed, a child is considered to be any person younger than 18. For the purpose of this research, we use the term pedophilia in this wider meaning.

<sup>7</sup> Criterion for the category "potential human trafficking" is a product of ASTRA's practice, that is, the real cases of recruitment were compared with the contents of communication

♂ - when you feel me being gentle and that I won't take anything by force you'll relax and wish for it very much ...

♂ - ... tell me, will we meet in the following days

♂ - I don't know

♂ - what you don't know

♂ - I don't know when we're going to meet

♂ - why you don't know

♂ - well, I'm little scared, that's why

♂ - you've nothing to be scared about, it could only be nice

♂ - well, I don't know, I suppose, but I'm still scared, it's all new to me.

♂ - it's always like that at the beginning, but that's why I'm here, who is experienced and who really needs a kid like you

♂ - well yes, but why you need me for? why me?

♂ - as you know, I'm in private business and I've got many obligations. I need a young and sweet one whom I'll relax with and cuddle and make love to when we meet

♂ - well yes, but why me? I'm boring and have no experience and so

♂ - this turns me on even more, and you'll get experience with me and it'll be easier and easier every time

♂ - but how? for me, for example boys are stupid and ask all stupid questions and are only interested in sex and nothing else, and they're boring to me, and they are my age???? how can I then be interesting to someone who is older?

♂ - I want you for sex, it's not a secret, and if you find boys your age stupid, it means that you'll be able to talk with me, I want you and to love you

♂ - and I can fall in love with you and than you'll not love me any longer.

♂ - it's not true, in that case I wouldn't come out of you

♂ - you're lying to me now

♂ - why do you think that? of course I can't guarantee anything because we never met, but if we talk, cuddle, sleep together, why wouldn't it last

♂ - because you'll see in one moment that I'm boring and than you'll meet some other girl and leave me

♂ - you'd like to feel protected and loved, wouldn't you

♂ - well, that's natural, of course I don't want to suffer

### **Examples of pedophilia (fragments of conversation):**

♂ - kiss, you're really young

♂ - well, I am, and you?

♂ - I'm very old. does it bother you that I'm 55??

♂ - auuu... well, we're talking

♂ - super, you're in a hurry ?? where do you live ??

★ASTRA - in Belgrade, and I'm not in a hurry

♂ - who you live with ??

♂ - are you a good pupil? What school do you attend ?

★ASTRA - yes, I'm 8th grade

♂ - bravo! and where are you going next ??

★ASTRA - well, I don't know, probably tourism.

♂ - super. you need to learn LANGUAGES. I speak german, dutch, spanish

★ASTRA - lucky you, I like languages, but I speak only little english and I'll learn some others

♂ - and I worked in VILLAGE TOURISM

★ASTRA - really?

♂ - because I live IN the village

★ASTRA - well, ok

♂ - do you go to a VILLAGE somewhere ???

★ASTRA - well, not really, I don't have anybody in the village

♂ - what do you prefer, summer or winter ?? come with your parents to see me in the village

★ASTRA - well, I'm not sure, they wouldn't

♂ - ijuuu... why

★ASTRA - well I don't know

♂ - good. you go out? cafés -clubs ??

★ASTRA - not really, only with friends in the neighborhood

♂ - take care, be wise and model, don't go out with anyone

★ASTRA - well yes, that's what mother and father are telling me

♂ - you don't smoke? you don't drink alcohol ?

★ASTRA - nooo, no way

♂ - do you have a boyfriend ??

★ASTRA - no

♂ - what?? did you have one before ??

★ASTRA - well no, but I like one boy

♂ - I believe, you're young are you a pet ??

★ASTRA - well I don't know, no I think

♂ - can you kiss ?? HAVE YOU TRIED

★ASTRA - well, no, we only talked, my friends and I, how it is done

♂ - it's wonderful feeling, a hug, head on the shoulder, gentle touch of the tongue on the neck, a kiss on the lips

★ASTRA - well I think it is. and you're really 55?

♂ - yeah, yeah, I'm honest, I've two sons and two grandsons and two granddaughters

♂ - well, I'm just asking because you're talking with me

♂ - you don't mind that we are talking a little about intimate life??

♂ - no, but I am small and I'm usually boring to adults

♂ - you're not, sunshine, I love talking with kids

♂ - why?

♂ - I DON'T KNOW WHEN WAS THE LAST TIME THAT I HAD ONE YOUNG GIRL and were intimate and had sex

♂ - you're lying to me

♂ - ohhh my god, why don't you trust me? what you don't trust? ask everything and I'll tell you honestly

♂ - well I don't know, but I feel that you're lying. have a photo?

♂ - yes

♂ - well then send me to see you

♂ - I'll send you mine and with my granddaughter

♂ - ok.

♂ - will you tell mom and dad that you wrote to me

♂ - well, I mustn't, they'd kill me!

♂ - you're clever. delete my pictures, please

♂ - ok I will

♂ - would you like to talk with me again later

♂ - and

♂ - about

♂ - intimate stuff??

♂ - here, I deleted the message with photos. well I don't know, I'm little uncomfortable

♂ - relax. thanks for deleting it

♂ - you're welcome

♂ - have you watched a porno movie,

♂ - no

♂ - do you wish sometimes to cuddle with a boy?? kiss, touch??

♂ - and I'm little uncomfortable to talk about that

♂ - ok. think about me and click me sometimes when I'm online.

♂ - and relax, open up, you'll have to start once talking about gentle stuff and about making out, about intimate life, you have to have one and only one honest friend with whom you'll talk about that or with YOUR MOTHER

♂ - how to talk with mother?

♂ - YOU HAVE TO TALK WITH HER IF SHE UNDERSTANDS YOU

★ASTRA - what to talk with her about? you?

♂ - that you want a boyfriend and once you find him to let you bring him to your place.  
to tell her that you want to go out.

★ASTRA - well, you think I should tell her about you?

♂ - yeah, you should, but will she understand and believe what we talked about

★ASTRA - well, I don't know, if you think I should talk with her, maybe I could

♂ - DON'T FOR NOW

★ASTRA - well, ok, I think she'd get angry, and will you tell anyone about me?

♂ - I THINK TOO, SHE'LL ASK YOU RIGHT AWAY WHAT YOU HAD TO TALK ABOUT WITH AN OLDER MAN

★ASTRA - NO you'll be my SECRET

♂ - I LOVE YOU

### **An example of incitement to prostitution of a minor:**

♂ - where are you from saskica?

♂ - you're 15?

★ASTRA - yeah, you?

♂ - 29

★ASTRA - ok

♂ - go to school?

★ASTRA - yes, primary, 8th grade

♂ - have a boyfriend?

★ASTRA - no

♂ - ever?

★ASTRA - no

♂ - and you'd like to?

★ASTRA - well, of course, I would but he'll come when he comes

♂ - your girlfriend, they have boyfriends, have sex with them?

★ASTRA - some yes, some no

♂ - virgin?

★ASTRA - I won't tell you

♂ - ok I know... you're embarrassed. you'd like to lose your virginity soon? you'd play with my banana? c'mon, talk to me, why you hesitate, say something

★ASTRA - and how's that you're so rude and you're 30?

♂ - honey... you'll see when you grow up... you'll be crazier than now:) and now tell me... you'd like to play with banana?



★ASTRA - and you really feel strong when you talk with girls?

♂ - I enjoy it, you're the sweetest in that age

★ASTRA - aren't you bored? our peers are boring to us

♂ - I'm not bored, I want a young girl and I'm talking with you, you'd be with me sometimes and I'd help you in a certain way... financially? well?

★ASTRA - how do you mean to help me?

♂ - say, you make me happy quickly and get 100 e, only 10-15 minutes, I think its ok offer

★ASTRA - well I'm not that kind of girl and I'm only 15

♂ - of course you're not, and everything will be between me and you, and you'll always have cash

★ASTRA - but why? I couldn't tell it to my friend?

♂ - you can say whoever you like. Is the offer ok?

♂ - no

♂ - tell your offer

★ASTRA - I'm not offering anything

♂ - you'd suck my cock for 150 e?.....

### **An example of potential recruitment for human trafficking (fragments of conversation):**

#### **The first contact**

♂ - hi, saska

★ASTRA - hi

♂ - how are you, saska?

★ASTRA - good, what's your name?

♂ - Ivan

♂ - where are you from

★ASTRA - belgrade, you?

♂ - I live in macedonia, but I'm frequent in belgrade

★ASTRA - why are you coming

♂ - for work

★ASTRA - and what do you do

♂ - I own a café

★ASTRA - great

♂ - great

♂ - what are you doing?

★ASTRA - now I'm listening to some music and doing homework

♂ - you're listening to music and doing homework. crazy combination

ASTRA - yeah.

♂ - what music?

ASTRA - I don't know, something on the radio

♂ - and what do you like to listen?

ASTRA - domestic hip-hop, r'n'b and so on

♂ - nice, we here listen to the same music like in serbia

ASTRA - I don't know, I've never been to macedonia

♂ - of course not, you're still small.

ASTRA - I'm not small

♂ - I'm kidding

♂ - why saska15?

ASTRA - because I'm 15

♂ - great, you're really not small

ASTRA - how old are you

♂ - well...

♂ - does it matter ?

ASTRA - I told you

♂ - I'm much older than you

♂ - what grade are you

ASTRA - 8th. how much older than me are you?

♂ - much, but we can talk? age doesn't matter for that?

ASTRA - no

### **The second contact**

♂ - hi

♂ - saska?

ASTRA - hi

♂ - there you are, you haven't been here for a couple of days

ASTRA - I have to study and prepare my entry exam

♂ - for what school?

ASTRA - secondary tourist if I succeed

♂ - you will, it's not that hard

ASTRA - it's fuss around the entering exam, I have a lot to study

♂ - clever

♂ - so, you're studying? and going out?

★ASTRA - I don't go out often

♂ - why

★ASTRA - well, I told you, I have to study, and my folks are rather strict

★ASTRA - and I don't have much company for going out

♂ - and boyfriend

★ASTRA - I don't have a boyfriend

♂ - why

★ASTRA - I don't like anybody any special

♂ - but someone certainly likes you

★ASTRA - I don't know anybody who likes me

♂ - I don't trust you. you must look great

★ASTRA - I don't look great

♂ - you could send me a pic and let me judge ???

★ASTRA - I'm not pretty

♂ - don't be so shy, I'm sure you look good. my mail is .....

♂ - I like talking with you. I'd certainly like your looks.

★ASTRA - I don't know. would you send me yours?

♂ - of course. your mail?

★ASTRA - seriously?

♂ - seriously

★ASTRA - I'm completely plain

♂ - I know that you're not plain and I'm little old and I know better. do you have some picture in the computer? you can mail me immediately

★ASTRA - I have, but they really suck, I didn't come up good on them

♂ - ok, I'll bear it in mind, I'll also send you one where I didn't come out great. ok?

★ASTRA - maybe

♂ - same time tomorrow? ....

### **The seventh contact**

♂ - hi, saska

★ASTRA - hi

♂ - you're not here last night?

♂ - sorry, I couldn't, there was a crowd, we had some guests

♂ - you didn't check your email

♂ - no

♂ - saska, I'm sure you're very pretty, and you promised to send me your pic ages ago . . . and nothing . . .

♂ - yes, sure

♂ - and how about meeting me

♂ - well, you're not in belgrade

♂ - I'll come soon

♂ - although it'd be better if you came to my place

♂ - why

♂ - why not? for a few days, I'm not joking

♂ - even if I wanted to, my parents wouldn't let me

♂ - you're adult, you don't have to listen to others. you can make your own decisions on some things, you're old enough

♂ - my mother would be sick with worry if I went to macedonia just like that

♂ - why? you'd be with me, you'd need no money

♂ - how do you mean I wouldn't?

♂ - you'd be at my place

♂ - but I can't just like that

♂ - I could find you a job here during summer if you are interested, you can make great money

♂ - it's easy for you

♂ - and for you, you only need to relax a little. You don't need to depend on anyone. You can always work and earn money for yourself

♂ - what? I can't work anything

♂ - You can work in my café any time

♂ - two girls from my class are going to the seaside to work in some café

♂ - that's great. and?

♂ - and what?

♂ - you can do the same. I'd prepare everything for you, you'd have safe combination

♂ - I don't think so, my parents would be a problem

♂ - they wouldn't know, you can tell them that you're going to the seaside with those friend

♂ - I don't know, I don't have experience

♂ - it's not a problem, you'll learn everything quickly

♂ - how?

♂ - I'd show you everything, and there is already one girl here

♂ - that's great idea, you'd have great time, and you'd earn money, all girls in my café earn great money

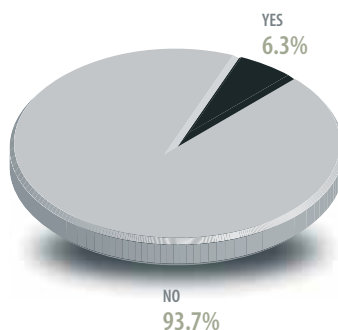
ASTRA - and it's only during summer holiday

♂ - you could stay as long as you like, I know you'd like it

#### 4. "Personalization" of contact

The "personalization" of contact includes all those situations during the conversation when communication partners asked for or offered private e-mail addresses, meetings or further contacts through mobile phones. In 6% of cases (27), persons who initiated conversation asked for more personal contacts, while in 94% of cases, communication remained at the level of correspondence without initiative for any other kind of contact (chart 4.1).

Chart 4.1. "Personalization" of contact



#### An example of the "personalization" of contact by a communication partner:

♂ - hi

ASTRA - hi

♂ - how are you doll

♂ - are you a doll

♂ - where are you from

ASTRA - bg

ASTRA - zarkovo

♂ - O kay. !

♂ - what's up

★ASTRA - nothing special, I'm bored

♂ - O kay. !

♂ - that's nice too

♂ - to be bored

★ASTRA - and you? where are you from? What are you doing?

★ASTRA - it's not

♂ - me, bujanovac

★ASTRA - uuh, it's far away!

♂ - I not work

★ASTRA - what's up with you?

♂ - everything

★ASTRA - well, nice, you're not bored!

♂ - no

♂ - how could I get to know you

♂ - little better

★ASTRA - well, through chat

♂ -msn?

★ASTRA - I don't have msn

★ASTRA - we can continue this way

♂ - you have mobile phone number

★ASTRA - yes, but I can't give you

♂ - you want mine?

★ASTRA - well, ok, but I'd feel silly to call you

♂ - why

★ASTRA - well, I don't know

♂ - will you call me

★ASTRA - I don't know, maybe

★ASTRA - but I'm not sure

♂ - call me right away

♂ - to get to know each other

★ASTRA - my folks are here

♂ - what does it matter

♂ - 063 xxxxxxxx

♂ - here's my number

♂ - and call me

♂ - ok, I'll see

♂ - and what are you doing?

♂ - ok

♂ - sport

♂ - what sport

♂ - will you call me to hear your voice

♂ - football

♂ - how old are you?

♂ - 20

♂ - you can call me

♂ - well great

♂ - I'll see, maybe I'll call you

♂ - when

♂ - I want you to call me now

♂ - i don't know, my folks are here and they are always around when I speak over the phone

♂ - and later you can

♂ - if they go to bed, maybe

♂ - but

♂ - it sucks a little

♂ - I'm shy

♂ - what does it matter

♂ - are you pretty

♂ - I don't know, other say I am, but I'm not sure

♂ - if you're not sure, just say

♂ - I'm not

♂ - O kay. !

♂ - my connection broke again

♂ - what's with you

♂ - why?

♂ - just asking

♂ - I don't know what you mean

♂ - O kay. !

♂ - love you

★ASTRA - :)

♂ - tell me

★ASTRA - what to tell you?

♂ - 0 key. !

♂ - may I ask you something

★ASTRA - yes

♂ - sure?

♂ - you won't get angry

★ASTRA - no

♂ - you may get angry

★ASTRA - as you wish

♂ - yes

♂ - but don't get angry

★ASTRA - ok, say it

♂ - do you have big breasts

(21:16 ) Not connected to server

★ASTRA - it broke again

♂ - 0 kyy. !

♂ - you know what

♂ - you have big breasts

★ASTRA - I have normal breasts

♂ - they are for me

♂ - ?

★ASTRA - hmh

♂ - say

♂ - where re you

♂ - don't get angry

★ASTRA - I'm not angry

### **An example of the "personalization" of contact by a communication partner:**

♂ - sex combination BGD?

★ASTRA - ?

♂ - where are you from?

♂ - and year of birth?



ASTRA - bg 90

♂ - where exactly ? :)

ASTRA - vidikovac

♂ - ok :)

♂ - neighbor

♂ - have a pic?

♂ - hacking cough to draw attention

♂ - hey...

♂ - are you there...

ASTRA - I don't

♂ - ok...

♂ - have a boyfriend...

ASTRA - and where are you from exactly?

♂ - :)

♂ - B.brdo

ASTRA - ok

♂ - you'd like to see me...?

ASTRA - I don't know, I don't go out much

♂ - well ok...you may drop by for coffee or something...just to meet you in person...nothing more...

♂ - I'm free every morning..

ASTRA - well, ok, but I'm not sure

♂ - why...?

♂ - for what reason...

♂ - you've a boyfriend...isn't it

♂ - or...

ASTRA - I don't have a boyfriend

♂ - ok, I have a girlfriend...

♂ - but it doesn't matter

♂ - tell me why not...

♂ - why not to see each other, just like that...for no reason...

ASTRA - and how old are you?

♂ - 20

ASTRA - well, I'm 5 years younger and you have a girlfriend and it all sucks

♂ - ok....I'm sorry you think that way ..

ASTRA - and I'm sorry you think that way

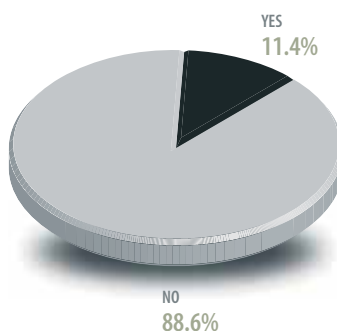
♂ - only I don't know why you think (in general) that 5 years is so big difference...

♂ - wait, and what is wrong in what I think....in all of this..

♂ - well you are like all nice but you'd cheat on your girlfriend with anyone it sucks

**"Personalization" of contact** also included offers for exchanging photos, as well as invitations to visit another chat room<sup>8</sup> or certain web address. 11.4% contacts (52 persons) were interested in exchanging photos. All of them were male (chart 4.1). In 98.2% cases, contacts did not send invitations for visiting another chat room or web addresses of the unknown contents, while in 1.2% (8) this was the case (chart 4.3). The names of other chat rooms were "flirt with me", "at majana's to have a little fun?", "in love", "old company", "magazine", while web addresses were [www.zaljubise.com](http://www.zaljubise.com), [www.downloads.fr.mn](http://www.downloads.fr.mn) and <http://freesevideos.net>

Chart 4.2. Proposal to exchange photos



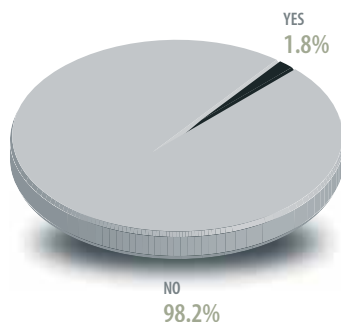
### Controlling profiles

Controlling profiles were posted on ICQ and Skype<sup>9</sup> simultaneously with the beginning of communication in Internet chat rooms, and they were checked every time the chat started. Such a procedure enabled the comparison of two means of communication over the Internet - one which includes a chat room where there already existed a larger number of potential contacts and another, in which a contact had to find you in the database of program users and where communication is private from start. Three contacts were made through ICQ during the whole period under consideration, while only one was made

<sup>8</sup> Internet chat rooms are thematic, so an invitation to change the chat room may mean an attempt to direct conversation to specific contents.

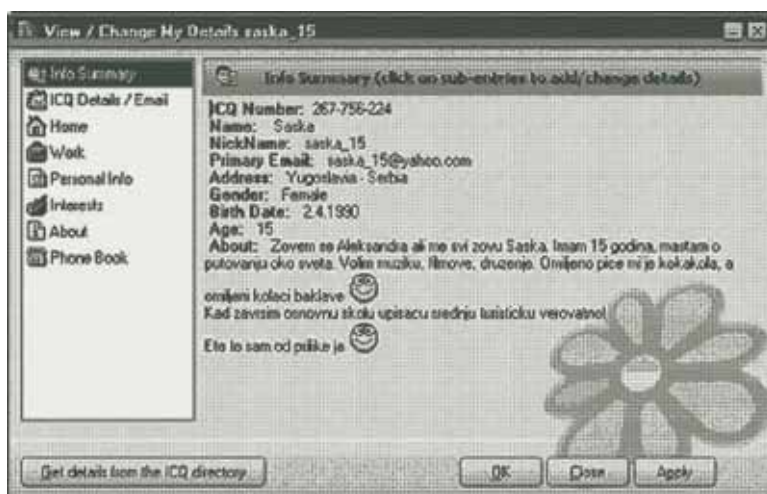
<sup>9</sup> ICQ and Skype are specialized programs for direct communication over the Internet

Chart 4.3. Proposal to visit other places on the Internet  
(other chat room, web address)



through Skype. All four contacts were initiated by men between 16 and 24 years old, of whom three were our nationals while the fourth was Russian. The analysis of contents showed that all four conversations may be categorized as "making friends". The personalization of contact occurred only once, that is, only a 24 years old contact sent his photo. No proposals to exchange e-mail addresses or phone numbers or for making personal contact took place.

*A profile posted in ICQ users' database*



## 5. What information has this research actually provided?

This survey was launched without great pretensions. The researchers wanted primarily to examine how it looks like to chat over the Internet with strangers from the "shoes of a fifteen-year old girl". The virtual profile, however, was not designed by accident.

Although ASTRA's practice shows that anyone may fall victim to human trafficking, what should not be forgotten is statistical data indicating that in the last two years, when trafficking victims identified by our organization are concerned, the number of minor victims considerably rose, from 10 percent in 2002 to more than 44 percent in 2004-2005. The practice also showed that identified minor victims were mostly recruited at the age of 14-15 for the first time.

A survey into the secondary school population aimed at, among other things, discovering how much young people use the Internet, how frequently and for what purposes, and its results<sup>10</sup> showed that it is sensible to run such an experiment. On the other hand, through this experiment, we wanted to discover the dynamics of the establishment of contacts over the Internet, that is, how fast and how frequently contacts are made through this medium. The results showed that it is very easy to communicate in Internet chat rooms with many people and in a very short period of time. For 50 hours of chatting, during 15 days, 457 contacts were made with strangers. The results also showed that the frequency of contacts does not depend on the time of the day - similar number of contacts was made in all three time periods observed (between 8 and 10 per an hour of chatting).

Another finding is that our "virtual girl" was contacted most by male persons (86%) of various age, from minors to man over 50. Socio-demographic characteristics, such as the place of residence, country and occupation, were very difficult to obtain because of too many short contacts. However, the very selection of the chat room (at *Krstarica* and *Serbiancaffe*) implies that they are used by Serbia and Montenegro's nationals and the nationals of neighboring countries.

To discover possible reasons and purposes of communication are the problems imposed by the research itself. Although the researchers are aware of the great risk of falling into the error of wrong interpretation of the contents of communication (primarily because of relatively short time of the experiment), such an analysis is reasonable because it gives a basis for further researches that will not only screen the situation. In order to eliminate to some extent this problem (or at least to alleviate it), very broad categories were formed, stressing that, with the passage of time, dynamics between them would probably change and the new ones would be formed. Therefore, it cannot be concluded that the most frequent categories "other" and "making friends" fall within the so called benign communications, that is, those in which young people are exposed to no danger. However, even such a "flash" survey showed that there are not only indications, but also relatively explicit forms, primarily of sexual harassment, as well as of pedophilia and recruitment, (see the examples of communication).

The researchers were aware of the fact that the division of variables into the reason and purpose of contacts is to some extent artificial, but it was necessary in order to distinguish what could be called "the assumed motive for communication" (reason for contact) and what, during the analysis of communication, turned out to be possible problem (the purpose of contact). Sexual harassment was observed in as many as 125 cases (27%), which indicate that a considerable number of contacts intentionally start communicating with minors with this motive in mind.

Besides frequent sexual harassment, for 50 hours of chatting, the created virtual girl faced certain problems 20 times - communication partners explicitly offered money in exchange for sex (2), tried to realize their sexual fantasies with a minor (14) or

<sup>10</sup> The results of this survey can be found in Part Two of this publication.

offered their help in reaching "better" life (2). Although the number of such conversations in the total sample was relatively small, it should be borne in mind that statistics is not of great help when the protection of minors from abuse is in question - if there were only one case like this, it should be treated as potentially very dangerous if society failed to undertake comprehensive measures of primary prevention aimed at the protection of the population of children and youth, Internet users.

As far as controlling profiles and the dynamics of communication over specialized programs ICQ and Skype are concerned, it may be concluded that they are less "successful" in realizing communication than chat rooms. Since only four contacts were made during the entire time of the experiment, it was not possible to discover possible problems and abuses. However, since the Internet is used in these cases as well, with all its flaws and advantages, it may be assumed that similar data would be obtained with the prolongation of the experiment. It should also be borne in mind that contacts could be "personalized" even more easily here due to the very fact that communication is private from start, that is, there is not "the main room" where it is possible to find dozens of users at the same time.

### ***Are Internet Chat Rooms Safe - In the Light of Human Trafficking***

Due to a small number of cases identified as "potential recruitment of human trafficking" (2), reader may conclude that young people are under no significant risk while making contacts over the Internet. However, what should be borne in mind is, firstly, that this pilot survey did not seek to "locate" human traffickers who recruit victims over the Internet, because such an endeavor would require significantly longer period of time spent on-line (from several months to several years), as well as the creation of a systematic plan of action, which would involve organizations like ASTRA, Internet Service Providers, psychologists, specialized police departments... Also, we should remember the so called "standard" recruitment manners such as starting emotional relationship with the victim and winning her trust ("lover boy") or offering lucrative job in a foreign country. It is not hard to imagine that both of them, at least partially, could take place on-line.

It has been already mentioned that chat rooms are places where it is very easy to hide your identity and/or to misrepresent yourself, and that manipulation possibilities are really great. All of these, with extraordinary dynamic communication and great number of users of Internet chat rooms (mainly younger population), leave the door wide open for human trafficking.

The possibility of hiding identity, the dynamics and great number of chat room users who go there only for the purpose of making friends present a very good screen for human traffickers, enabling them to carry out their criminal activities inconspicuously. What is the problem here is how to tell between "malign" communication which, at least at first, cannot be clearly distinguished from other contacts, where a young person acquires new acquaintances and friends.

After completing the experiment, a conclusion which can be logically drawn is the same one which experts were faced with ten years ago when little was known about human trafficking in our country - information is the best prevention. After all these years of working on prevention, the public is now relatively well acquainted with the problem in its "conventional" form and thus the question we should ask ourselves is how to explain to the public changes in trends and how (and with whose help) to prevent the problem adequately.



## HUMAN (CHILD) TRAFFICKING AND INTERNET RECRUITMENT - AN ASSUMPTION OR A PREVENTABLE REALITY INTERVIEWS WITH LOCAL INTERNET SERVICE PROVIDERS

### Introduction

The Internet is the world's largest computer network. It qualitatively differs from any other medium, because here a wide variety of ideas, contents, data and products could be freely exchanged. Anyone can access Internet network, it only requires a computer and access to the server through telephone, cable and wireless connection. On the Internet, "while sitting in a warm room", you can gather information you need, search friends you have lost contact with, research, buy and sell, play, but also find a job or make new friends. However, this abundance of information and a great number of users from all around the world bring certain risks. Unfortunately, no one can guarantee us the accuracy of data on the Internet or good intentions of other users who we may be in contact with. For this reason, frauds and impersonations are possible on the Internet, as well as sexual harassment, incitement to prostitution, Internet pornography and pedophilia, recruitment for human/child trafficking.

Interviews with local experts from Internet industry aims at getting insight into real and possible frameworks of their operation when suppressing criminal activity such as the recruitment of people is concerned. On the basis of data so obtained, the course of future preventive actions should be defined, both in the area of prevention and actions aimed at building quality cooperation of all relevant actors (and possible establishment of mechanisms and procedures), which would contribute to the solution of this serious and dangerous social problem.

### Methodology

Data are obtained through the method of semi-standardized interview comprising 15 questions. Questions were formulated in such a way (we tried to ask general questions) so that they could be extended or adjusted in accordance to the respondent, his/her job, opinion and ideas. Examined variables concerned the awareness of human trafficking, the knowledge of domestic legislation, procedures for the registration of Internet domains, procedures in case of potential/actual Internet crime, recommendations for more efficient combating of human (child) trafficking over the Internet and, consequently, for the improvement of criminal legislation.

Respondents were persons working as domain administrators, system administrators, web administrators and ISP staff members<sup>1</sup>.

A total of eight interviews were conducted with experts employed with big Belgrade-based Internet systems - *Undernet* network, *Pogodak* browser, Internet Service Providers *Absolutok*, *Sezampro*, *Eunet*, *B92.net* network, Yugoslav Internet Domain Name Registry and one interview was conducted with a freelance programmer who has a vast experience as web administrator.

Gathered data were qualitatively processed and on pages to come, in accordance with research tasks and problems, certain conclusions are drawn.

<sup>1</sup> Since we do not have adequate translations of these professions in Serbian, for the purpose of clarity, we will give short description of each of them.

As mentioned earlier, this research is of explorative character. Consequently, its tasks and problems are formulated in such a way so as to result in an overview of the situation, commonplaces, available possibilities, possible problems and deficiencies, as well as in the course of future activities when prevention and suppression of Internet recruitment is concerned. In other words, what local experts working in Internet industry have at disposal, what lacks and whether there is a need for changes when we talk about this form of criminal activity.

Therefore, the following research tasks and problems are defined:

1. To establish whether the respondents are familiar with the problem of human trafficking and whether modern technology, such as the Internet, may be used for the purpose of human trafficking.
2. To establish whether the respondents are familiar with domestic legislation which governs computer and Internet crime.
3. To get insight into the procedure for registering Internet domain names of natural persons and legal entities (individuals and companies, organizations, institutions).
4. To get acquainted with the ways of prevention and suppression of Internet crime and human trafficking over the Internet which these experts have at disposal.
5. To get to know their attitudes regarding the prevention of Internet recruitment of human (child) trafficking victims and more efficient society's response to the problem.

Since the Internet is a communication means which is increasingly used at homes of our citizens, it is possible to assume that the significant number of readers of this publication possess at least basic knowledge of how it works, and we believe that the integral version of interviews, with the analysis and conclusion, will be a useful source of information. For this reason, complete answers of respondents are given in Appendix 3.

## Results

### 1. Familiarity with the problem and attitude towards the Internet use for human trafficking

The analysis of contents of interviews shows that all Internet professionals interviewed are familiar with the problem of human trafficking. Also, all of them are of the opinion that the Internet can be used as a means for trafficking in human beings. Nevertheless, one respondent explicitly stresses that the Internet can be used for the recruitment of trafficking victims, but only as an assistive technical tool, the same way as any other communication means, while the other one says that he has

<sup>1</sup> **Domain administrators** approve the opening of sub-domains to companies, organizations, institutes and faculties within the yu domain (e.g. [www.domainname.org.yu](http://www.domainname.org.yu), [www.domainname.co.yu](http://www.domainname.co.yu) or [www.domainname.edu.yu](http://www.domainname.edu.yu)). In our country, there is a Yugoslav Internet Domain Name Registry - [www.nic.yu](http://www.nic.yu). Every country has its own registry of Internet domain names, while there is also a general registry for domain names outside national framework (e.g. [www.domainname.com](http://www.domainname.com), [www.domainname.org](http://www.domainname.org), [www.domainname.net](http://www.domainname.net)).

**Internet Service Providers** (ISP) are companies (e.g. *Eunet*, *Sezampro*, *Verat*, *Bitsyu*, *PTT*...) which provide Internet services to individuals and legal entities, such as connecting to the Internet, opening e-mail box, hosting websites.

**System administrators** are people who maintain servers on which websites are hosted. They have possibility to know who (which user) from their system visited certain website and who (from what IP addresses, geographical locations, ISP) visited websites hosted by their system.

**Web administrators** maintain portals, web "super sites" which could have forums, chat rooms and the like. Forum moderators are most often these people. Forums and chat rooms often have filters (scripts, programs) which prevent messages containing certain unwanted words and expressions to appear or warn the administrator of the appearance of prohibited terms.



no direct knowledge, but in his opinion, the Internet as the assistive technical device might be even more convenient than the print media. On the other hand, one respondent who works as a chat room moderator says that the Internet is the most open medium for this kind of criminal activity.

As for the ways of recruitment of victims over the Internet, in respondents' opinion they could be conditionally divided into two groups - the so called "standard" ways of recruitment, which do not differ in their form from those identified so far (advertising suspicious business offers, arranging meetings) and those for which essential is communication that is typical only for the Internet (chat rooms, e-mail contact, contact through specialized programs such as ICQ). As many as five respondents stressed this form of direct communication in chat rooms as a possible way of recruitment of trafficked victims, while only one has no knowledge how the Internet could be abused for human trafficking.

## **2. Familiarity with domestic legislation which governs Internet and computer crime**

The interviewed Internet professionals are to a various degree familiar with domestic legislation which governs computer crime, while answers range between familiarity (4), partial familiarity (2) to complete ignorance (2). Two respondents stress that the legislator "did not make too much of a progress" in the creation of laws which would regulate this area and that the existing regulations are not enforced. One respondent stresses that human trafficking is sanctioned under other regulations and not under those governing computer crime.

Either being familiar with relevant legislation or not, respondents gave their opinion regarding changes in criminal legislation which would contribute to combating this kind of crime. The following amendments are proposed: to introduce stricter penal policy, to begin the implementation of the existing laws (including the training of the police, investigating and judicial authorities how to apply legal provisions), to harmonize laws with European standards and to stipulate the duration of mandatory data storage, to keep track with new developments, i.e. laws should follow the practice, and to inform and educate legal specialists who draft laws about technical aspects of computer technology, who will later actively lobby for amendments and supplements or adoption of more comprehensive and more efficient laws which govern this area.

## **3. Procedure for registering an Internet domain name for individuals and legal entities**

All respondents agree that the procedure for registering Internet domain names is not complicated. The registration of domestic domain names could be a little more complicated<sup>2</sup> because of necessary documentation (certificate on the registration of the company and company's personal identification number), while the registration of international domain names fully depends on available finance. After the registration of the domain name, a user has possibility to rent space on the Internet for his /her own needs (to host a site) with any ISP, in the country or abroad. And only the user is responsible for contents of the site. Here it should be mentioned that an individual, so called natural person, still cannot register a domestic "yu domain" name, but

<sup>2</sup> A Rule Book on the Approval of Sub-domains within the Yugoslav Internet domain (yu), <http://www.nic.yu/pravilnik.html>

according to the specialist employed with the Yugoslav Internet Domain Name Registry, this will be possible in near future, but following obligatory check of individual's identification. Data on the owners of domain names and websites are considered public matter and are generally available.

#### **4. Mechanisms for prevention and suppression of Internet crime and human trafficking over the Internet**

In the opinion of interviewed Internet professionals, mechanisms they have at disposal in case of observing some form of recruitment for human trafficking are to ban that person from the chat room, to notify the operator, possible ban at a "global level" and to notify competent authority when chat network is concerned, that is, the suspension of the web address and account and reporting to the ISP and the police. In other words, if the contents on the website are irregular, a domain administrator has possibility to cancel (with police or court warrant) or to temporarily disable the said domain, in which way the site on that domain becomes unavailable to the public. At the next level, in the same situations, system administrators in ISP companies have possibility to erase or suspend the contents of the site. In other cases, without an official warrant, it would be considered the invasion of others' freedom of expression. However, one respondent comments that state authorities know very little about how the Internet works and how it can be abused, and the question arises whether they in a concrete case can understand how the reported criminal activity is being committed.

If being contacted for help by organizations engaged in prevention and combating human trafficking, three respondents say that they can reveal the following data - date and time spent on the Internet, IP address of the user and the ISP to whom that address belong, which may lead to the identification of the computer (and possibly the user) and geographical location from where the network was accessed. Also, they can suspend the site and help in eventual investigation. Quite the opposite, two respondents are of the opinion that in spite of undoubted benefit and good intentions of the NGO sector, they would disclose data only to competent authorities (the police and court), but they would use the report filed by NGOs to check the data, put them aside and store them for longer than standard period of time so that they could give them to the police or court later during investigation.

However, answers to the concrete question whether the police need a warrant for getting data on the Internet user suspected of committing human (child) trafficking somehow differ - four respondents say that police warrant is not necessary, while other three disagree. Argumentation in favor of not needing a warrant are contained in statements that user's data are public (like all other ownership or disposition data) and that under current legislation it is not needed to have a warrant to access them. On the other hand, those who think that the warrant of competent authorities is necessary stress that relationship with a client is a business secret and that data obtained without the warrant would not have the same weight in some future criminal proceedings.

Opinions are divided also with regard to the possibility of tracking down a computer used for, for example, the recruitment of trafficked victims. Three respondents say that in the majority of cases such computers could be tracked down, three say that it depends "from case to case", that is, on how much the trafficker himself knows about the functioning of the Internet and on his technical skills, while one respondent thinks that a computer from which criminal activities were run could be tracked down very difficultly.

In their professional practice, five respondents have come across some form of computer crime, the abuse of the Internet and of electronic mail. The police was contacted in all cases. Only one of them has run across human trafficking over the Internet and contacted the ISP and the police, as well as ASTRA for consultations.

## **5. Attitudes regarding the prevention of recruitment of human (child) trafficking victims over the Internet and more efficient society's response to the problem**

Three respondents see public awareness raising, and especially awareness raising of teenagers, though quality information and education, as the way of preventing human trafficking in which the Internet is used as an instrument for the recruitment of victims. One respondent explicitly says that the Internet is only an assistive technical tool and that prevention programs should be aimed at the use of such an information network in general. The second group of answers concerns "prevention mechanisms held by the judiciary and the police" (five answers), where the need for better cooperation among relevant organizations/institutions and the creation of a system in which this social problem would be efficiently suppressed is stressed, by forming specialized police departments, but also the adjustment of domestic legislation to the needs of practice (response to new or transformed negative phenomena in the society) and adoption of "more functional" laws which would be harmonized at global social level.

*More efficient social response when the recruitment of human (child) trafficking victims and the Internet crime in general are concerned, the respondents see through activity in three areas:*

- **The work of ISPs and employees in Internet industry** - It is stressed that what is needed is better organization of ISPs themselves and the prohibition of anonymous opening of accounts.
- **The work of the police and the judiciary** - It is necessary to educate employees in these institutions so that they know what is technically feasible, but also in order to speed up the response to concrete situation, the establishment of a special department within the MoI<sup>3</sup> which would deal with investigating activities when Internet crime is in question and public identification of competent authorities which may be referred to in concrete situations. As for legislation and courts, respondents' recommendations go towards the adoption of functional laws harmonized with legislation in other countries and adjusted to trends in society, as well as towards directing attention towards illegal money flows and tackling corruption.
- **Preventive-educational work of relevant organizations/institutions** - Respondents point to the necessity of informing the public, especially children, about the problem and risks coming out of it, of implementing educational programs and media campaigns and of motivating the entire society to work on the solution of the problem. In the area of possible preventive action, there is also an opinion that it is necessary to set up multi-professional teams of experts who would deal with the collection of data on the Internet and cooperate with the police, all of these for the sake of users' protection.

<sup>3</sup> Computer crime falls within the competence of the Criminal Justice Department of the Ministry of the Interior of the Republic of Serbia, Section for Prevention and Suppression of Other Forms of Crime.



## INTERNATIONAL AND DOMESTIC LEGAL FRAMEWORK - COMPARATIVE ANALYSIS

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### Introduction

Professional, but even more lay public, knew of a wide variety of definitions of human trafficking. To put it in popular, sociological language, human trafficking is a kind of modern-day slavery, in which persons, most often women and children, for certain socio-economic reasons, easily fall victim to false promises of good job and better life, and then become forced into labor under the most brutal and inhuman conditions.

Important elements of the legal definition of human trafficking could be found in the 1997 Recommendation of the Parliamentary Assembly of the Council of Europe on traffic in women and forced prostitution<sup>1</sup>: "The Assembly defines traffic in women and forced prostitution as any legal or illegal transporting of women and/or trade in them, with or without their initial consent, for economic gain, with the purpose of subsequent forced prostitution, forced marriage, or other forms of forced sexual exploitation. The use of force may be physical, sexual and/or psychological, and includes intimidation, rape, abuse of authority or a situation of dependence."

Until December 2000, when the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime<sup>2</sup> was adopted, practically there was no agreement about legal definitions of human trafficking. This concept was often confused and/or equated with "people smuggling". People smuggling actually means enabling illegal entry of persons in one country, that is, the illegal crossing of state border. It may result in very serious injuries of those being smuggled, even in their death, but it is still not "human trafficking", firstly because smuggling implies a kind of voluntary consent of illegal migrants and secondly, unlike people smuggling, "human trafficking" may take place within the borders of one country without any transfer to a foreign country of the person subjected to such trafficking. The question of victim's consent is irrelevant, since it is not an element of the definition of human trafficking, but an element of proof<sup>3</sup>.

However, when we speak of legal definitions of this concept, it should be said that the most comprehensive definition of human trafficking is the one given in the Protocol supplementing the UN Convention against Transnational Organized Crime. It is, actually, a framework for the definition of human trafficking used by the majority of criminal laws in the world<sup>4</sup>. Human trafficking is a modern form of slavery which comprises different *acti rei* (recruitment, transportation, transfer, harboring or receipt of persons subjected to trafficking); the perpetrators (several persons are usually involved in a trafficking operation); the use of adequate means (threat, force or any other form of coercion, abduction, deception, fraud, the abuse of power, etc.), as well as a very important (constitutional) element of this offence, which is that the offence is done with the purpose of

\* Legal analysis for the period to December 15, 2005 inclusive done by Ana Đorić JSD (international regulations) and Jovan Ćirić JSD (national legislation).

<sup>1</sup> Council of Europe - Parliamentary Assembly - Recommendation 1325/1997 on traffic in women and forced prostitution in Council of Europe member states; text available on the website of the Council of Europe. <sup>1a</sup> - See in the text "What is trafficking in persons" - available at [www.usd.oj.gov/whatwedo/whatwedo\\_ctip.html](http://www.usd.oj.gov/whatwedo/whatwedo_ctip.html)

<sup>2</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime. The Protocol and the UN Convention against Transnational Organized Crime available at [http://www.unodc.org/unodc/en/crime\\_cicp\\_convention.html](http://www.unodc.org/unodc/en/crime_cicp_convention.html)

<sup>3</sup> Integral text of the Protocol available at: [http://www.unodc.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf#search=UN%20Protocol%20on%20trafficking](http://www.unodc.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf#search=UN%20Protocol%20on%20trafficking)

<sup>4</sup> For details, see the definition given in the Convention and the Protocol, further in the text.

<sup>5</sup> See in the text "Definition/Elements of trafficking" - available at [www.legislationline.org/index.php?topic=76](http://www.legislationline.org/index.php?topic=76)

exploitation (forced labor or services, slavery or practices similar to slavery, sexual exploitation, etc.).<sup>5</sup> The consent of the victim, his/her agreement to be the subject of trafficking, is completely irrelevant for the existence of the offence and of criminal responsibility of the perpetrator. Human trafficking can be organized only with adequate logistic support which is offered by organized crime<sup>6</sup>. Human trafficking, as a part of organized crime, is one of especially lucrative activities<sup>7</sup>.

People smuggling is, in all its elements, less serious offence, which in all legislations, including ours, entails less severe criminal sanctions than human trafficking.

Internet can be defined in many ways, but a precise and all-accepted legal definition still does not exist. The Internet, with capital "I", is a network of mutually connected computers which use the same protocols; written with small "i", internet is any computer network<sup>8</sup>. Every day, the number of Internet users is growing. What could often be heard when we talk about the Internet is the concept of Internet crime. Internet crime is not strictly a legal term, and it is indirectly defined, most often from the sociological point of view. Legal specialists use terms which are broader and more general, and as such, they are linked to the concept of a computer and a computer network, which is the case with the Convention on Cyber Crime. Domestic legislator also foresees in the new Criminal Code of the Republic of Serbia a special set of criminal offences within Chapter XXVII - Criminal Offences against Security of Computer Data. In sociological sense, the definition that could be accepted is that "Internet crime" is a criminal offence committed through or over the Internet computer network. Such definition can be considered relatively satisfactory and relevant in a broader sense of the word.

Pedophilia is a term colloquially used very often, although it does not have legal definition. It refers to a sexual act of an adult with a child, and for this reason, our legislator talks about "sexual intercourse with a child"<sup>9</sup>. In different countries, the concept of a child in this context is interpreted differently. It is desirable to define what "a child" means<sup>10</sup>.

Child pornography means any representation of a child engaged in real or simulated explicit sexual activities, regardless of whether this concerns sexual activities themselves or the sexual parts of the child<sup>11</sup>.

In front of us is a difficult task - to examine whether and in what way the Internet may be used as a means for recruiting the victims of human trafficking, and especially what is the position of particularly vulnerable categories of victims, such as women, minors and children, that is, how the Internet is abused for child pornography and pedophilia. This task is even harder bearing in mind the absence of precise definitions of both the Internet and pornography<sup>12</sup>.

To analyze the observed phenomenon in an adequate way, it was necessary to examine regulations at several levels. Therefore, in the first section, we give an overview of international documents - UN conventions and documents adopted by the

<sup>6</sup> Vladimir Krivokapić, "Ilegalne migracije i trgovina ljudima kao oblici organizovanog kriminala", *Bezbednost*, no. 6/2002, p. 860. About the ways of operation in the area of organized crime as a classical, well-organized enterprise, which operates on the principle of supply and demand, see: Edwin Sutherland and Donald Cressey, *Criminology*, eight edition, (Philadelphia/New York/ Toronto: J.B.Lippincott Company, 1970). About profits generated by organized crime and its financial power, see: Đorđe Ignjatović, *Organizovani kriminalitet, druga knjiga*, Beograd, 1998.

<sup>7</sup> According to International Organization for Migration (IOM), there is between 15 and 30 million people with the status of illegal migrants in the world today, that is, between 700,000 and 2,000,000 people, primarily women and children, included in the human trafficking network. According to: Saša Mijalković, *Trgovina ljudima*, (Beograd: Reosing, 2005), p. 121.

<sup>8</sup> Such definitions, for example, could be found on the Internet itself, on web sites like [www.cybercrime.gov](http://www.cybercrime.gov) or [www.Fraud.org/internet/intinfo.htm](http://www.Fraud.org/internet/intinfo.htm)

<sup>9</sup> Article 180, Criminal Code of the Republic of Serbia

<sup>10</sup> According to the Convention on Cyber Crime, a child shall mean any person younger than 18, i.e. 16, which is at the same time the solution present in comparative law. Our Criminal Code considers a child any person up to 14 years of age.

<sup>11</sup> According to Protocol supplementing the UN Convention on the Rights of the Child.

<sup>12</sup> About this, for example, see the article by Nikola Memedović "Šta je danas pornografija s obzirom na slobodu ispoljavanja ličnosti", *Pravni život* 9/2005. The very issue of pornography and the freedom of personality is one of interesting questions raised in Miloš Forman's movie "People vs Larry Flint" which talks about a real event that, as a debate about human liberties and freedoms, at one time reached the Supreme Court of the USA.

Council of Europe and the European Union, i.e. the Organization for Security and Cooperation in Europe. In Section Two, we analyze the regulations of those countries which passed separate laws to govern human trafficking only. In Section Three, we present countries which regulate human trafficking by their criminal laws. In Section Four, we analyze domestic regulation, after which follow the conclusion and recommendations.

## I - International Regulations

There is a number of international legal documents of significance for the field of human trafficking. The first convention was adopted at the beginning of the 20th Century, under the auspices of the League of Nations. It abolished slavery<sup>13</sup>. A range of new conventions came later.

### 1. UN Conventions

#### *Convention on the Rights of the Child*

The UN Convention on the Rights of the Child of 1989 sets clear frameworks on which the protection of children's rights should be based. The UN Convention foresees that all activities and decisions pertaining to a child and his/her position shall be based on the best interest of the child. The UN Convention explicitly puts forth that sexual exploitation constitutes a serious violation of children's rights. It addresses this topic in even four articles<sup>14</sup>.

On May 25, 2000, the United Nations adopted an Optional Protocol to the Convention on the Rights of the Child, which treats the sale of children, child prostitution and child pornography<sup>15</sup>. The Protocol came into force on January 18, 2002. In its introductory section, the Protocol mentions the Internet and other developing technologies, calling for the cooperation of governments at a global level and of the Internet industry. It gives the definition of basic terms. Thus, child pornography is defined as any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes<sup>16</sup>. State Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for persons who work with victims<sup>17</sup>. Also, each State Party shall submit a report to the Committee on the Rights of the Child in prescribed time periods<sup>18</sup>. Our country signed and ratified the Convention and the Protocol<sup>19</sup>, which now have precedence over the law of Serbia<sup>20</sup>.

<sup>13</sup> The 1926 Slavery Convention, together with Supplementary Convention on the Abolition of Slavery, Official Gazette of the Kingdom of Yugoslavia, no. 234/1926; Official Gazette of FNRJ no. 7/1958

<sup>14</sup> Art 34. States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials. Art. 35. States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form. Art. 36. States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare. Art. 39. States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

<sup>15</sup> Official Gazette of FRJ, International Contracts no. 22/2002.

<sup>16</sup> Article 2c) of the Protocol.

<sup>17</sup> Article 8 of the Protocol.

<sup>18</sup> Article 12 of the Protocol.

<sup>19</sup> UN Convention on the Rights of the Child, Official Gazette of SFRJ, International Contracts no. 15/1990, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Official Gazette of FRJ, International Contracts no. 22/2002.

<sup>20</sup> Article 16 of the Constitutional Charter of Serbia and Montenegro explicitly foresees that ratified international agreements shall have precedence over the law of Serbia and Montenegro and over the law of the member states.

### ***UN Convention against Transnational Organized Crime with Protocol thereto***

UN Convention against Transnational Organized Crime was adopted in 2000<sup>21</sup>, but the Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, Especially Women and Children (hereinafter the Protocol) may be considered even the more important document. Its significance is reflected in the fact that this is practically a document in which an agreement has been reached about the elements of the definition of human trafficking. The definition is broadly set, so that human trafficking is specified as "recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs"<sup>22</sup>. The consent of the victim to the intended exploitation is irrelevant.

According to the Protocol, "child" shall mean any person younger than 18. State Parties are required to criminalize trafficking in human beings, while the obligation to protect the victims of trafficking is explicitly set by ordering State Parties to establish programs, policies and other necessary measures<sup>23</sup>.

## **2. Council of Europe Conventions**

### ***European Convention on Human Rights***

The 1950 European Convention on Human Rights contains a provision on the prohibition of slavery and forced labor<sup>24</sup>.

Practically, this Convention does not give the definition of slavery, but refers to other relevant conventions, primarily the Slavery Convention of 1926. In that context, the concept of slavery refers to private ownership of human beings: "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised". The concept of slavery implies less extreme forms of exploitation of the labour of others, such as servitude, debt bondage, trafficking in women as movable property, etc.<sup>25</sup> Anyhow, to date practice of the European Court of Human Rights in Strasbourg refers mostly to the problems of defining what does not constitute and cannot be treated as forced labor: this is primarily the labor of convicts and detainees and military service, whereby the Court stresses its opinion that the work of convicts-detainees shall be paid, i.e. that it can be performed in favor of private employer<sup>26</sup>.

<sup>21</sup> Official Gazette of FR Y - International Contracts no. 6/2001.

<sup>22</sup> Article 3 of the Protocol.

<sup>23</sup> Article 9, Paragraph 1 of the Protocol.

<sup>24</sup> Detailed presentation of the Convention, together with the level of harmonization of our legal system in a comprehensive study *Kompatibilnost jugoslovenskog prava sa odredbama Evropske konvencije o ljudskim pravima* (Beograd: Institut za uporedno pravo, 2002). The European Convention on Human Rights, in Article 4 reads "No one shall be held in slavery or servitude. No one shall be required to perform forced or compulsory labor." For the purpose of this article the term forced or compulsory labour shall not include: any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention; any service of a military character or, in case of conscientious objectors in countries where they are recognized, service exacted instead of compulsory military service; any service exacted in case of an emergency or calamity threatening the life or well-being of the community; any work or service which forms part of normal civic obligations.

<sup>25</sup> Donna Gornien, David Harris, Leo Zwaak, *Law and Practice of the European Convention on Human Rights and the European Social Charter*, (Council of Europe Publishing, 1996), p. 119, quoted according to the group of authors *Kompatibilnost jugoslovenskog prava sa odredbama Evropske konvencije o ljudskim pravima* (Beograd: Institut za uporedno pravo, 2002), pp.69-70.

<sup>26</sup> The Court in Strasbourg took a position that the work of prisoners could be done in favor of private employers in the case "31 prisoners vs Germany", application no. 3134/67 - quoted according to *Kompatibilnost jugoslovenskog prava sa odredbama Evropske konvencije o ljudskim pravima* (Beograd: Institut za uporedno pravo, 2002), p. 74.



### ***Convention on Cyber Crime***

On November 23, 2001, the Council of Europe adopted the Convention on Cyber Crime<sup>27</sup>. This is the first international document which explicitly links child pornography and computer system. In Article 9, the Convention speaks of offences related to child pornography. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the following conduct: producing child pornography for the purpose of its distribution through a computer system; offering or making available child pornography through a computer system; distributing or transmitting child pornography through a computer system; procuring child pornography through a computer system for oneself or for another person; possessing child pornography in a computer system or on a computer-data storage medium. According to the Convention, child pornography shall include pornographic material that visually depicts: a minor engaged in sexually explicit conduct; a person appearing to be a minor engaged in sexually explicit conduct; realistic images representing a minor engaged in sexually explicit conduct. For the purpose of this Article, the term "minor" shall include all persons under 18 years of age. A State Party may, however, require a lower age-limit, which shall be not less than 16 years. Each State Party may reserve the right not to apply, in whole or in part, provisions related to procuring child pornography through a computer system for oneself or for another person, possessing child pornography in a computer system or on a computer-data storage medium. Hence, the Convention directly links child pornography with computer systems and not with the Internet. Links with human trafficking are not mentioned here.

The Convention does not give the definition of a computer system. In the Report explaining the procedure of adopting the Convention, one can find the explanation of certain expressions used in it<sup>28</sup>. A computer system is a device consisting of hardware and software developed for automatic processing of digital data. It may include input, output, and storage facilities. It may stand alone or be connected in a network with other similar devices. The Internet is defined as a global network consisting of many interconnected networks, all using the same protocols. This text is not a legally binding interpretation of the Convention, but, by its nature, it may facilitate the enforcement of provisions contained in the Convention<sup>29</sup>.

### ***Convention against Trafficking in Human Beings***

The Council of Europe Convention against Trafficking in Human Beings was adopted on May 16, 2005; 23 countries have signed it so far, including ours<sup>30</sup>. However, to come into force, the Convention needs to be ratified by at least ten signatories, eight of which must be the members of the Council of Europe. Human trafficking is defined in the tradition of the Protocol. It is important to stress here that the Convention foresees an obligation of a state party to take into consideration (underlined by authors) the sanctioning of the use of victim's services if the user knows that she is trafficked victim. The Convention, as well as the Framework Decision of the EU, sets forth the responsibility of legal entities for trafficking in human beings<sup>31</sup>.

<sup>27</sup> Convention on Cyber Crime: <http://conventions.coe.int/Treaty/en/Treaties/Html/185.htm>; Serbia and Montenegro signed the Convention on April 7, 2005. Ratification procedure has not been finished yet.

<sup>28</sup> Explanatory Report available at the Council of Europe's website: <http://conventions.coe.int/Treaty/EN/Reports/Html/185.htm>

<sup>29</sup> Explanatory Report, para II.

<sup>30</sup> As of December 15, 2005.

<sup>31</sup> The text of the Convention and all related data (signatories, ratification and the like) available at the website of the Council of Europe: <http://conventions.coe.int>. Presentation of the Convention – see: Biljana Simeunović – Patić and Slađana Jovanović, "Zaštita žrtava trgovine ljudima i njihova reintegracija", *Pravni život* 9/2005, pp. 295–316.

### 3. Legal Acts of the European Union

#### *Joint Action*

Tragic events in Belgium from early and mid 1990s, with regard to the cases of pedophilia, that is, sexual abuse of children<sup>32</sup>, made Belgium initiate the adoption of a special legal enactment by which the problem of human trafficking and sexual exploitation (especially of children) would be regulated within the so-called Joint Action to combat trafficking in human beings and sexual exploitation of children<sup>33</sup>. This document consists of four parts: aims (where basic definitions are given), measures that will be undertaken at national levels, cooperation between Member States and follow-up action in the field of combating trafficking in human beings and sexual exploitation of children. In the first part, trafficking is defined as the entry into, transit through, residence in or exit from the territory of a Member State for gainful purposes with a view to the sexual exploitation or abuse of women or children involved. Sexual exploitation, in relation to a child, includes the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of a child in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and materials, including the production, sale and distribution or other forms of trafficking in such materials, including even (underlined by authors) the very possession of such materials. The Joint Action separately defines sexual exploitation in relation to an adult, which exists in case of coercion, violence, threat, deception, the abuse of power or other pressure, which is such that the person has no real and acceptable choice but to submit to the pressure or abuse involved. In section two - measures to be taken at national levels, Member States shall classify these types of behavior as criminal offences. Then, with the exception of the possession of child pornography, all such behaviors shall be punishable by effective, proportionate and dissuasive criminal penalties. With regard to child pornography, Member States are obliged to introduce criminal liability of legal entities involved in the production and distribution of such materials. For these offences, especially in serious cases, custodial penalties should be foreseen, as well as the confiscation of the instruments and proceeds generated through the production of pornographic materials. Offences prescribed under this enactment shall fall within the scope of the Council of Europe Convention on Laundering<sup>34</sup>. Competent for proceeding in these cases are the authorities of the state in which territory the offence is committed, wholly or partially, while the jurisdiction includes both the nationals of Member States and persons with permanent residence in Member States. Here we should mention measures which Member States shall take in order to ensure special protection for persons who provide important information regarding these offences, all in accordance with the Resolution of the Council of the European Union on the protection of witnesses in the fight against organized crime<sup>35</sup>. Member States also undertake to ensure appropriate assistance for victims and their families, to enable victims to return to their country of origin or another country which is prepared to accept them. Member States are called for establishing in their territories a network of appropriate services which would take active part in fight against trafficking in human beings, i.e. advise authorities, provide authorities with useful information or take part in

<sup>32</sup> Especially bearing in mind the Dutroux case from 1996.

<sup>33</sup> Joint Action, adopted by the EU Council on February 24, 1997, published in OJ EC L 063 of March 4, 1997.

<sup>34</sup> The Council of Europe 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. The text of the Convention available at the website of the Council of Europe: <http://conventions.coe.int/Treaty/EN/cadreprincipal.html>. On this text, the EU made official statement and took common position. For details, see COM/2004/0444 final.

<sup>35</sup> Resolution of the Council of the European Union of 23 November 1995 on the protection of witnesses in the fight against organized crime, OJ EC C 327 of December 7, 1995. [http://europa.eu.int/smar-tapi/cgi/sga\\_doc?smartapilexapilprod\(CELEXnumdoc&lg=EN&numdoc=31995Y1207\(04\)&model=guichett](http://europa.eu.int/smar-tapi/cgi/sga_doc?smartapilexapilprod(CELEXnumdoc&lg=EN&numdoc=31995Y1207(04)&model=guichett)

procedures as experts. Especially important is the third section on the cooperation of Member States. Member States are required to have the broadest possible investigating and judicial cooperation and permanent and continuous exchange of information. In the last section which concerns follow-up and advancement of Joint Action, it is said, as essential and the most important, that each Member State shall adopt appropriate proposals regarding the implementation and advancement of the Joint Action.

Further measures continued, the most important of all being the adoption of the Framework Decision.<sup>36</sup>

### ***Framework Decision on Combating Trafficking in Human Beings***

One of the most important instruments of the European Union for combating human trafficking is an EU Council's Framework Decision on Combating Trafficking in Human Beings from 2002<sup>37</sup>. This document was adopted in order to harmonize Member States' regulations in the area of police and judicial cooperation in criminal matters, especially in joint fight against human trafficking.

According to this Framework Decision, Member States should take adequate measures in order to ensure imprisonment with a maximum penalty which is not less than eight years, if the offence has been committed in any of the following circumstances: if the offence endangered the life of the victim; if the offence has been committed against the victims who was particularly vulnerable; if the offence has been committed by use of serious violence or has caused particularly serious harm to the victim; if the offence has been committed within the framework of a criminal organization<sup>38</sup>.

The Decision introduced the concept of criminal and civil liability of legal entities the same as of natural persons. The measures for punishing legal entities should be adequate and may include, *inter alia*, temporary or permanent disqualification from the practice of commercial activities. Member States were required to take necessary measures to comply with this Framework Decision until August 1, 2004.

### ***Council Decision to Combat Child Pornography on the Internet***

In 2000, the European Union adopted a Decision to combat child pornography on the Internet<sup>39</sup>. This Decision foresees several obligations of Member States. They shall take adequate measures in order to encourage Internet users to inform law enforcement authorities on suspected distribution of child pornography material on the Internet, as well as to ensure that these offences are prosecuted and punished, by setting up specialized units within law enforcement authorities. Member States shall ensure that law enforcement authorities act swiftly when they have received information on suspected production, processing, possession and distribution of child pornography material. Also, Member States shall adjust their legislation to combating child pornography on the Internet. In order to facilitate cooperation between Member States, the points of contact shall be established on a 24-hour basis. Europol shall be informed of suspected cases, while competent authorities of Member States shall have regular meetings. Member States shall examine what measures are efficient in combating child pornography on the

<sup>36</sup> Vienna Action Plan, as well as the Tampere European Council, called for adoption of supplementary measures in order to regulate some segments of criminal legislation. In December 2000, one Commissioner, as Community's delegate, participated in the signing of the Convention against Transnational Organized Crime and Protocol thereto. Also, it should be borne in mind that there were several initiatives: France, STOP and DAFNE, European court networks and exchange of experiences of judicial authorities.

<sup>37</sup> Council Framework Decision 2002/629/JHA of July 19, 2002, OJ EC L 203 of August 1, 2002.

<sup>38</sup> Biljana Simeunović - Patić and Slađana Jovanović, "Zaštita žrtava trgovine ljudima i njihova reintegracija", *Pravni život*, 9/2005, pp. 295-316.

<sup>39</sup> Council Decision of 29 May 2000 to combat child pornography on the Internet, OJ EC L 138 of June 9, 2000.

Internet and share best experiences. Also, they should examine the possibility to bind ISP to notify competent authorities on child pornography materials distributed through them, to withdraw such materials, keep them and ensure access to competent authorities, as well as to establish their own controlling systems. In contact with industry, Member States shall encourage the production of filters and other technical means to prevent the distribution and to facilitate the suspension of child pornography materials. These measures shall be adopted by December 31, 2000, while the Decision came into force on the day of adoption.

### ***Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography***

On December 22, 2003, a Council Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography was adopted<sup>40</sup>. The Decision contains the definition of basic terms.

a) *"Child" shall mean any person below the age of 18 years.*

(b) *"Child pornography" shall mean pornographic material that visually depicts or represents:*

i. *a real child involved or engaged in sexually explicit conduct, including lascivious exhibition of the genitals or the pubic area of a child; or*

ii. *a real person appearing to be a child involved or engaged in the conduct mentioned in previous paragraph; or*

iii. *realistic images of a non-existent child involved or engaged in the conduct mentioned in paragraph i.*

c) *"Computer system" shall mean any device or group of interconnected or related devices, one or more of which, pursuant to a programme, perform automatic processing of data.*<sup>41</sup>

Member States are required to take adequate measures in compliance with this Decision until January 20, 2006. Also, they shall transmit to the General Secretariat of the Council and to the Commission the text of provisions transposing this measure into their national legislation. By January 20, 2008, on the basis of a report established using this information and a written report from the Commission, the Council shall assess the extent to which the Member States have complied with the provisions of this framework Decision.<sup>42</sup>

### ***Decision on Establishing a Multiannual Community Action Plan for Safe Use of the Internet***

Safe Internet Action Plan is designed so as to ensure conditions for favorable environment for the development of Internet industry and the promotion of the safe use of the Internet, that is, fight against illicit and harmful contents. The program entails three courses of measures: the creation of a safe environment by establishing European hotline - direct telephone network and encouraging self-regulation and recommendable rules of conducts; the development of filters; awareness raising<sup>43</sup>. The Action Plan was initially adopted for the period of four years, but in 2003 it was prolonged for two more years.

In April 2005, the Council adopted a new decision on establishing the program "Safe Internet Plus", which should promote safe use of the Internet and new on-line technologies.<sup>44</sup> With the budget of EUR 45 million, this program covers the period of three years, being actually the continuation of the existing program. It shall be applied to new media, as well, such

<sup>40</sup> 2004/68/JHA, OJ EC L 013, January 20, 2004, pp. 44-48.

<sup>41</sup> See Article 1 of the Decision.

<sup>42</sup> Article 12 regulates the implementation of the Decision into national legislation of EU Member States.

<sup>43</sup> Decision 276/1999/EC of January 25, 1999, OJ EC L 33 of February 6, 1999; amendments and supplements to the Decision 1151/2003/EC of July 1, 2003, OJ EC L 162 of July 1, 2003.

<sup>44</sup> Decision 854/2005/EC of May 11, 2005, OJ EC L 149 of June 11, 2005.

as video, for example, and is set in such a way so as to fight against racism and spam. It shall be more directed towards end-users, that is, parents, children and teachers.

In the introduction of the text, attention is drawn to increasing Internet use in daily life, as well as to the use of other new technologies, *exempli causa* mentioning mobile phones. The area of protection is somewhat extended. What makes this document even more important is a proposal to extend the cooperation beyond the borders of the EU. Cooperation is recommended with states-members of EFTA, European Economic Space and other interested state parties. The Annexes contain concrete measures for cooperation of those who are going to work in the field on the provision of safer use of the Internet, i.e. of new on-line technologies. Thus, for example, it is anticipated to establish so called hotlines as direct telephone lines where it will be possible to report illegal and harmful contents, either if they concern individuals or legal entities. Of course, specialized hotlines will exist for competent authorities, as well.

#### 4. Organization for Security and Cooperation in Europe - OSCE

Since transnational organized crime requires cooperation at international and regional level, with the participation of the private and the NGO sector, there are justified opinions that OSCE, with its institutional capacity and results proved in practice, is the most appropriate organization for efficient implementation of cooperation and coordination of all relevant international actors in this sector, such as Stability Pact Task Force<sup>45</sup>, UNODC, UNHCR, OHCHR, UNICEF, ILO, IOM, ICMPD, EU, the Council of Europe, the Council of the Baltic Sea States, SECI, Interpol and Europol.<sup>46</sup>

OSCE has a long experience in the area of combating human trafficking; it adopted several documents governing this area, some of them being:

1. St. Petersburg Declaration of the Parliamentary Assembly of OSCE, that is, Resolution on Trafficking in Women and Children of July 10, 1999.<sup>47</sup> It states that international trafficking in persons is not limited to sex trafficking only - trafficking for the purpose of sexual exploitation, i.e. forced prostitution, but it also includes forced labor and other violations of internationally recognized human rights. The very concept of human trafficking for the purpose of sexual exploitation, as defined by this declaration, means a particularly brutal form of the international traffic in persons which includes all the elements of the crime of rape, because it results in the involuntary participation of another person in sex acts by means of fraud, force or coercion.

2. The 2002 Porto Declaration, in which it is stressed that human trafficking represents a serious and rapidly expanding area of organized transnational crime, generating huge profits for criminal networks that may also be associated with criminal acts such as trafficking in drugs and arms, as well as smuggling of migrants.<sup>48</sup> In this Declaration, State Parties are called for cooperation in which adequate international bodies should participate, especially Europol and Interpol, as well as SECI.

3. Action Plan to Combat Trafficking in Human Beings<sup>49</sup>, which specifies in detail the measures which combating human trafficking will include. It also gives the definition of human trafficking, specifying that trafficking in persons refers to

<sup>45</sup> Not in function as of 31<sup>st</sup> October 2004.

<sup>46</sup> Taken from OSCEs Anti-Trafficking Action Plan.

<sup>47</sup> St. Petersburg Declaration of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe - St. Petersburg, 10 July 1999 Resolution on Trafficking of Women and Children.

The text of the Declaration available at: <http://www.oscepa.org/admin/getbinary.asp?fileID=119>

<sup>48</sup> Declaration on Trafficking in Human Beings, Porto, 2002.

sexual exploitation, either prostitution or some other forms of sexual exploitation, forced labor and services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>50</sup> The Action Plan aims to provide accompanying mechanisms, which includes the cooperation of states participating in the project, thanks to the existing OSCE structures or the structures of other international organizations. The plan of measures advocates the adoption of a multi-dimensional approach to combating human trafficking. The Action Plan exercises a comprehensive approach to the problem of human trafficking and sets forth measures for the protection of victims, the prevention of trafficking and the prosecution of both the perpetrators and of persons who facilitate trafficking. It also gives a series of recommendations to states and adequate OSCE institutions, competent authorities and practitioners on how to cope with political, legal, procedural, educational and other aspects of the problem. Among the recommendations of this Action Plan is the one pertaining to the signing and full implementation of the Optional Protocol to the Convention on the Rights of the Child.

## II- Special Anti - Trafficking Laws

### Belgium

Belgium has a special law on combating human trafficking, which came out in 1995 after three years of preparations.<sup>51</sup> In Article 77, it stipulates that the offence is committed by a person who, directly or through a middleperson, enables an alien to enter and stay in Belgium, by subjecting that alien, alone or with the help of other persons, to threats, violence or any other form of coercion, i.e. exploits the vulnerability of an alien (illegal or limited staying, pregnancy, illness, physical or psychological disability). More serious form of this offence exists when it is committed within the framework of an organization, that is, through that organization. In its basic form, this offence shall be sentenced with not less than five years and for more serious form with 10-15 years in prison.

It is interesting that this Law also sets forth a very specific offence, that is, recruitment, bribing or keeping in the position of prostitution, even if the person in question gave consent for prostitution, and as such it shall be punished with term in prison of one to five years. More serious form of this offence exists when it is committed through deception, threat, coercion or any other form of using force, for which the Law foresees prison sentence of 10-15 years.

In August 2005, the new Law was adopted, which actually constituted amendments and supplements to the previous one, in which way Belgium fulfilled its obligation to comply with EU legislation.<sup>52</sup> With this enactment, the provisions of the Council Framework Decision of July 19, 2002, on combating human trafficking were introduced into domestic legislation, as well as of Council Directive 2002/90/CE of November 28, 2002, which defines facilitation of unauthorized entry, transit or residence, transit or illegal stay, and Council Framework Decision of November 28, 2002, which provides for more strict penal

<sup>49</sup> Decision no 557 OSCE Action Plan To Combat Trafficking In Human Beings, PC/DEC/557, 24 July 2003.

<sup>50</sup> Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

<sup>51</sup> La loi du 13 avril 1995 contenant des dispositions en vue de la répression de la traite des êtres humains et de la pornographie infantile, Moniteur Belge du 25.04. 1995.

<sup>52</sup> La loi du 10 août 2005, Loi du 10 août 2005 modifiant diverses dispositions en vue de renforcer la lutte contre la traite et le trafic des êtres humains et contre les pratiques des marchands de sommeil, Moniteur Belge du 02. 09. 2005.

justice framework in order to prevent facilitation of unauthorized entry, transit or residence. Besides changed numeration of articles, the most important novelty refers to the introduction of fines, in addition to prison sentences, ranging between EUR 500 and EUR 50,000. Penalty for the qualified form of the offence now is 20 years in prison and a fine of between EUR 1,000 and EUR 150,000. Specific penalty is also the confiscation of perpetrator's property, without prejudice to the rights of third parties.

## United States of America

The United States of America adopted in 2000 a special Trafficking Victims Protection Act.<sup>53</sup> Two incriminations from this Act deserve special attention. The first one is trafficking in persons, which includes slavery and forced labor. This offence is committed by a person who intentionally recruits, harbors, transports, secures or provides another person, with the purpose of establishing slavery or forced labor. More serious form of it exists when the offence results in the death of the victim or if it is committed through abduction, that is, if graver form of sexual violence was attempted or actually took place, i.e. in case of attempted murder. Penalty anticipated for the basic form of this offence is prison sentence of not less than 20 years, that is, life term in prison for more serious form. The second incrimination refers to trafficking in children for the purpose of sexual exploitation, with the use of force, deception or coercion. *Actus reus* of this offence consists of participating in or helping with child trafficking over the state border, i.e. the recruitment, harboring or transportation of a person younger than 18. What is required here is intention, i.e. awareness that a minor is involved, as well as awareness that force, deception or coercion will be used for the purpose of commercial sexual exploitation of the victim. More serious form of this offence exists when the victims is a person younger than 14, when perpetrator shall be punished by life imprisonment, while penalty prescribed for the basic form of the offence is term in prison of not less than 20 years. This US law also sees help in the commission of any of the mentioned offences as a separate offence. The offence is committed by a person who, with the purpose of facilitating human trafficking or establishing slavery or forced labor, deliberately destroys, hides or confiscate, i.e. holds the passport or any other document of the victim, in order to restrict his/her freedom of movement or traveling, or who attempts such an act in order to ensure adequate counter favor. Penalty foreseen for this offence is not less than five years in prison. It should be borne in mind that US, that is, Anglo-American system of criminal justice, recognizes different nature of accessory than continental criminal justice system<sup>54</sup>, and it may therefore happen that a person who helps in committing this crime may be threatened with considerably different, less strict penalty than in continental criminal justice system.<sup>55</sup>

Significant and interesting changes were passed in 2005.<sup>56</sup> The most important novelty is that the US Agency for International Development, together with US State Department and the Department of Defense, shall draft a plan of protective measures for combating trafficking in persons when it hits especially vulnerable populations of women and children, in terms of providing adequate post-traumatic assistance for victims coming from post-conflict parts of the world. In the Act, it is explicitly stated that three US institutions will conduct a study on the practice of treating persons who are the victims of trafficking

<sup>53</sup> Trafficking Victims Protection Act of 2000. See the article by Milo Bošković and Zdravko Skakavac, "Trgovina ljudima - Osnovni i posredni oblici regulacije u nacionalnom i uporednom zakonodavstvu", Dobrovoje Radovanović ed. *Kazneno zakonodavstvo: progresivna ili regresivna rešenja*, (Beograd: Institut za kriminološka i sociološka istraživanja i Viša škola unutrašnjih poslova, 2005), pp. 268-269. Integral text of the law available at: [http://uscis.gov/graphics/services/PL106\\_386.pdf](http://uscis.gov/graphics/services/PL106_386.pdf).

<sup>54</sup> In the concrete case, this concerns helping - op.aud.

<sup>55</sup> In our country, the person who keeps victim's passport, thus helping in the commission of human trafficking could be punished in the same way as the person who organizes, that is, directly carries out human trafficking. It seems to us that in that respect, the solution from continental law on accessory nature of accomplice is more logical and more acceptable for us, because hiding, theft, destruction of a passport themselves actually constitute one of the basic and the most important ways to blackmail the victim, i.e. to commit criminal offences.

<sup>56</sup> Trafficking Victims Protection Reauthorization Act of 2005. Available at <http://thomas.loc.gov/cgi-bin/query/F?c109:1:1/temp/~c109XcGFAQ:e8151>

and who are coming from post-conflict regions from overseas. Special attention will be paid to usually unprotected populations in post-conflict situations and the situations of humanitarian urgency.<sup>57</sup> The topic of the research will be various forms of international and internal trafficking in persons for the purpose of sexual and labor exploitation, the collection of best practices in combating human trafficking and the proposal of best solutions for improving fight against trafficking, together with the improvement of post-conflict reconstruction and assistance in cases of humanitarian urgency. Not later than after six months following the day of publication of this Act, the Secretary of State, in cooperation with the Secretary of Defense and the director of the Agency for International Development, will publicize the findings of the study and propose concrete measures, adequate for situations in post-conflict regions. After that, with consent of and in consultations with relevant Congress committees, concrete measures will be taken.

Practically the most important amendments concern what is stated in Section 102 "Protection of Victims of Trafficking in Persons": the institute of *guardian ad litem* is introduced, which is similar to the concept of guardian in our law. If the Director of the US Office of Refugee Resettlement has reason to believe that an unaccompanied alien child is a victim of a severe form of trafficking in persons, he/she may appoint a guardian ad litem to such child. Such a guardian needs to possess special qualifications for work with children and needs to have received training on the nature of problems encountered by victims of trafficking. The guardian shall have the following duties: to conduct interviews with the child in a manner that is appropriate, taking into account the child's age; to investigate the facts and circumstances relevant to such child's presence in the United States; to develop recommendations on issues relative to the child's custody, detention, release, and repatriation; to take reasonable steps to ensure that the best interests of the child are promoted while the child participates in, or is subject to, proceedings or matters under the Immigration and Nationality Act; and to take reasonable steps to ensure that the child understands the nature of the legal proceedings or matters and determinations made by the court, and ensure that all information is conveyed in an age-appropriate manner. The guardian ad litem shall carry out his/her duties until such duties are completed, the child departs the United States, is granted permanent resident status in the United States, attains the age of 18 or is placed in the custody of a parent, legal guardian, or licensed child welfare agency. The guardian ad litem shall have reasonable access to the child, including access while such child is being held in detention, in the care of a foster family, or in any other temporary living arrangement; shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified; may seek independent evaluations of the child, etc. All persons serving as guardians ad litem need to pass adequate training programs, which are organized when needed. In a way similar are provisions relating to the right to access (legal) counselor, which is granted to older victims of severe forms of trafficking. They are entitled to legal aid free of charge as long as they are in custody of Federal Government, and that right cannot be denied; quite the opposite, every trafficked victim shall be provided with contact information for a NGO that receives funding from Federal Government to provide counsel or other assistance to trafficked victims. This assistance concerns both legal advice regarding aliens' staying in the USA and the provision of adequate psycho-medical assistance and care.

In a separate part of the Act "Protection of Victims of Domestic Trafficking in Persons", new measures are also foreseen with the purpose of psycho-social and legal protection of the victims of domestic trafficking in persons.<sup>58</sup> Differences are

<sup>57</sup>Sec. 101; refers to women and children.

<sup>58</sup>Sec. 203.



not very large in comparison to the measures described above. The only addition is the provision of a special psychological counseling, accommodation in adequate shelters, help in schooling, i.e. self-development of various skills, education, etc.

## United Kingdom

The United Kingdom also has a separate law which governs the issue of human trafficking. This is Asylum and Immigration Act which came into force on October 29, 2004.<sup>59</sup> In the context of this research, attention should be paid to the incrimination of human trafficking for sexual exploitation. The offence is committed by a person who organizes or enables other person to enter the United Kingdom with intention to exploit that person, both inside and outside the territory of the United Kingdom. But, it is not only the cases of sexual exploitation that are regulated by this law. It also anticipates situations when the victim is required to do anything that could have as a consequence the violation of provisions of the 1989 Human Organ Transplantation Act, if the victim was subjected to violence, threat or deception in order to provide a service to someone, i.e. to enable other person the realization of any gain. The perpetrator shall be sentenced to not less than 14 years in prison.

Here we should also mention significant amendments to the Sexual Offence Act.<sup>60</sup> Namely, when child pornography is concerned, the lower-upper limit of childhood was lifted from 16 to 18 years. The Protection of Children Act of 1978 was also changed and now, indecent photographs of boys and girls aged 16-17 are also incriminated.<sup>61</sup> Significant changes in the Sexual Offence Act refer to the burden of proof. The defendant has to prove that he/she and a photographed person younger than 18 were married or lived together as partners in an enduring family relationship. Secondly, the defendant has to prove that the child gave consent for making such a photo, i.e. that he/she (the defendant) had reasons to believe that the child (victim) gave (implied) consent for such a thing. And finally, the photo must not present any other person besides the child and the defendant. If one of these three conditions is not fulfilled, the prosecutor has to prove only the existence of the photograph and who the author is, and if all the above-mentioned conditions are fulfilled, the defendant is considered not guilty.

## Sweden<sup>62</sup>

Sweden is specific for the fact that it has a separate law which governs human trafficking, but this law is actually incorporated in the Criminal Code. Namely, in June 2002, the Swedish Parliament passed the law incriminating trafficking in human beings for the purpose of sexual exploitation, which came into force immediately, on July 1, 2002. However, this Law became an integral part of the Criminal Code, more precisely its chapter which regulates offences against freedom and peace. Swedish legislator then introduced two forms of human trafficking as criminal offence: (1) when one person is transported from Sweden to another country for the purpose of sexual exploitation, and (2) when one person is transported from another country to Sweden for the purpose of sexual exploitation. The legislator uses the same or similar terms as in other relevant laws - coercion, deception, transportation, harboring, etc., whereby when victims younger than 18 are concerned, coercion and deception need not be involved. Separate penalties are foreseen for attempted offence, preparatory activities,

<sup>59</sup> Asylum and Immigration Act, available at: <http://www.opsi.gov.uk/acts/acts1999/19990033.htm>. For details see the text by M. Bošković and Z. Skakavac, op. cit. pp. 269-270.

<sup>60</sup> Sex Offences Act 2003 - <http://www.opsi.gov.uk/ACTS/acts2003/20030042.htm>

<sup>61</sup> It should be mentioned here that the legislator uses the term "indecent photographs", and not the term "pornographic". Are these two terms synonyms or they hide essential differences - this is yet to be seen in practice.

<sup>62</sup> Vesna Nikolić-Ristanović, Sanja Čopić, Biljana Mihij, "Trgovina ljudima: pojam, karakteristike i pravna regulativa", Belgrade, January 2003 - unpublished manuscript of a survey conducted by the Institute for Criminological and Sociological Research.

conspiracy for the commission of this offence, as well as for the failure to report these activities. The penalty ranges between two and ten years in prison.

### Romania<sup>63</sup>

Romania is especially interesting because it is a country from which a great many people illegally migrate to the countries of Western Europe, which makes them the group at risk when we talk about human trafficking. For this reason, in 2001, the Romanian Parliament adopted the Law on Prevention and Combat of Trafficking in Human Beings which, besides prevention and combating of this type of crime, also regulates the issues of protection and assistance for trafficked victims, which is, of course, an additional quality, expressing legislator's wish to approach this issue systematically. According to Article 12 of this Law, human trafficking is defined as the recruitment, transportation, transfer, harboring or receipt of a person, through the use of threats or violence or of other forms of coercion, through kidnapping, fraud or misrepresentation, the abuse of power or by taking advantage of that person's inability to defend him/herself or to express his/her will or by giving or receiving money or other benefits in order to obtain the agreement of a person who has control over another person with the intent of exploiting the latter. Exploitation includes forced labour or service, in violation of the legal requirements on labour conditions, pay, health and security; keeping such persons in a state of slavery or using other ways to deprive a person of his/her freedom or to force the person into submission; forcing a person to engage in prostitution, in pornographic performances for the production and distribution of pornographic material, or in other forms of sexual exploitation; harvesting of human organs; engaging in other such activities that violate fundamental human rights and liberties. Anyone who commits this offence shall be sentenced to the prison term of between three and 12 years and the deprivation of numerous rights. More serious form of the offence exists when it is committed by two or more persons and if it caused the victim sustain grave bodily harm or serious health problems, in which case the offenders shall be sentenced to 5-15 years in prison. The offence takes its gravest form if resulted in the death or suicide of the victims - 15-25 years in prison. If the victim is a minor, prison sentence is foreseen in the duration of three to 12 years<sup>64</sup>, while the offender shall be sentenced to 5-15 years in prison if the victim is younger than 15. The legislator is stricter if minors and children were exposed to coercion and violence, for which cases prison sentence of 7-18 years is foreseen. If all these offences are committed within an organized group or if the offender has generated considerable material gain for himself or another person, such offender will have to serve three more years in prison. The Romanian legislator also provides for the punishment for attempted offence and for the organization of the commission. Like in many other legislations, victim's consent to exploitation is irrelevant for criminal offence and offender's criminal liability in Romania. A person who knowingly allows or facilitates, directly or through a middleperson, entry and staying in the territory of Romania of a person who is not a Romanian national and who is the victim of human trafficking as defined by this Law shall also be punished for human trafficking. Elements which constitute this offence are deception, violence or threat or any other form of coercion, or the abuse of vulnerable position of the victim due to his/her illegal or uncertain status owing to entering or residing in Romania, pregnancy, illness or physical or psychological disability. If such an offence is committed within an organized group, the offenders may be sentenced to additional two years in person. Especially important are provisions of the Law on Prevention and Combat of Human Trafficking which foresee the confiscation of money, valuables or any other benefit acquired by or used for the commission human trafficking. Moreover, it sets forth that vehicles used for the transportation of trafficked victims, as well as premises in which such persons were

<sup>63</sup> V.Nikolić-Ristanović, S.Čopić, B.Mihrić - op. cit.

<sup>64</sup> Article 13.

harbored, shall be considered the property used for committing criminal offence if they belong to the offender. The Romanian legislator explicitly states that the liability of persons (potentially) accused of practicing prostitution under relevant provisions of the Romanian Criminal Code shall be excluded. This exclusion of victim's liability for practicing prostitution will be relevant if the victim, prior to the beginning of criminal procedure against human trafficking suspect, comes and reports the offence to competent authority or if, after the beginning of the procedure or after identifying the perpetrator, facilitates (enables) the arrest of the perpetrator.<sup>65</sup>

### III- Trafficking in Human Beings Regulated within National Penal Laws

#### Austria<sup>66</sup>

Human trafficking is regulated by Article 217 of the Criminal Code which mainly refers to prostitution. However, according to the new provisions of the Alien Act, which came into force on July 1, 2000, subjects that shall be protected from exploitation are the victims of human trafficking, people smuggling, as well as other persons staying in Austria without legal ground.<sup>67</sup> Article 105, titled "Exploitation of Aliens" anticipates that any person that exploits these aliens shall be sentenced to the term of not less than two years in prison.<sup>68</sup>

In combination with the provisions against human trafficking contained in the Criminal Code, this should provide adequate protection against criminal organizations and gangs which exploit women.

If it has been established that one person was forced into practicing prostitution, i.e. if it has been established that this person is a victim of human trafficking, whereby he/she does not have permit to stay in Austria, authorities have possibility to grant him/her humanitarian residence permit. Such permits may be granted to the victims of human trafficking (Article 217 of the Code) who are willing to testify in court and thus ensure trial, i.e. criminal prosecution of the offenders, that is, who have intention to raise the process of civil liability of the offender. Residence permits shall be approved for the period of time coinciding with the duration of the court procedure.

In 1997, the Interior Ministry and the Ministry of Social Issues set up a Center for assisting women - trafficking survivors in Vienna. This Center provides support for women, especially in obtaining humanitarian residence permit. The Center also provides accommodation to victims as an alternative to placing them to pre-deportation detention.

#### France

In the French Penal Code, incriminations pertaining to trafficking in human beings are located in the section dealing with offences against the dignity of persons.<sup>69</sup> Human trafficking is defined as the recruitment, transport, transfer, accommodation, or reception of a person in exchange for remuneration or any other benefit or for the promise of remuneration or any

<sup>65</sup> It is clear that the proving of all trafficking-related criminal offences is difficult for various reasons, one of which is victim's fear of the retaliation of organizations that already did him/her harm once before, but also, in some situations, victim's fear that he/she him/herself may be subjected to prosecution because of practicing prostitution in the concrete case. Of course, it should be borne in mind in that respect and think about a whole range of other procedural possibilities for the protection of the victims of trafficking in human beings. About this, for example, see: Milan Škuljić, "Krivičnoprocesne mogućnosti zaštite žrtava krivičnih dela povezanih sa trgovinom ljudskim bićima", *Temida* no. 2, 2002. p. 5.

<sup>66</sup> According to <http://www.legislationline.org>.

<sup>67</sup> Legal ground in this context is residence permit

<sup>68</sup> According to available data, the new Alien Act is currently in the process of adoption.

other benefit, in order to put him/her at the disposal of a third party, whether identified or not, so as to permit the commission against that person of offences of procuring, sexual assault or attack, exploitation for begging, or the imposition of living or working conditions inconsistent with human dignity, or to force this person to commit any felony or misdemeanor.

Human trafficking is punished by seven years' imprisonment and by a fine of EUR 150,000.<sup>70</sup> The qualified form of penalty shall be pronounced if the offence is committed: against a minor; against a person whose particular vulnerability due to age, sickness, disability, to a psychic or physical deficiency or to a state of pregnancy, is apparent or known to the perpetrator; against several people; against a person who is outside the territory of the French Republic or upon his/her arrival on the territory of the French Republic; when the person has been brought into contact with the perpetrator through the use of a telecommunications network for the distribution of messages to a non-specified audience; in circumstances which directly expose the victim to the immediate risk of death or of injuries of a nature to cause mutilation or a permanent disability; with the use of threats, constraints, violence or fraudulent behavior against the party concerned, his/her family or someone who has a regular relationship with him/her; by a legitimate, natural or adoptive ascendant of the victim or by a person holding authority over him/her or who misuses the authority conferred by his/her position; by a person whose post requires him/her to participate in the fight against human trafficking or to uphold public order. In that case, the perpetrator shall be punished by 10 years' imprisonment and by a fine of EUR 1,500,000.<sup>71</sup> If the offence is committed by an organization, the prescribed penalty shall be prison term of 20 years and a fine of EUR 3,000,000.<sup>72</sup>

Soliciting, accepting or obtaining, in exchange for remuneration or a promise of a remuneration, relations of a sexual nature with a minor who engages in prostitution, even if not habitually, is punished by three years' imprisonment and a fine of € 45,000. The same punishment applies when the victim is a particularly vulnerable person.<sup>73</sup> A qualified penalty shall be pronounced where the offence is committed habitually or against more than one person; where the person was put in contact with the offender by the use, for the dissemination of messages to an unrestricted public, of a communication network; or where the offence is committed by a person abusing the authority conferred upon him/her by his/her position.

In that case, the penalty shall be five years' imprisonment and EUR 75,000, while it is increased to seven years' imprisonment and to a fine of EUR 100,000 where the offence is committed against a minor under fifteen years of age.<sup>74</sup>

## Germany<sup>75</sup>

According to the 1998 Law, Article 108b, the offence is committed by a person who, with the purpose of material gain, incites another person to start practicing prostitution or keeps that person in prostitution by using his/her vulnerability. This offence shall be punished with up to five years in prison; the more serious form of this offence exists when incitement to prostitution involves a person who is in particularly difficult situation due to his/her staying in a foreign country or being younger than 21, in which case the offender shall be sentenced to imprisonment of six months to ten years. If the offence is com-

<sup>69</sup> French Penal Code was supplemented with the Law no. 2003-239 of March 18, 2003, published in the Official Gazette of March 19, 2003, when the offences pertaining to trafficking in human beings are concerned, i.e. the Law no. 2002-305, published in the Official Gazette of March 5, 2002, when the prostitution of minors or of particularly vulnerable persons are concerned.

<sup>70</sup>Article 225-4-1.

<sup>71</sup>Article 225-4-2.

<sup>72</sup>Article 225-4-2.

<sup>73</sup>Article 225-12-1.

<sup>74</sup>Article 225-12-2.

mitted with the use of force, threat, deception or abduction, or the offender performs such recruitment professionally, as his/her trade, he/she shall be sentenced to the imprisonment of six months to five years. Child trafficking is in German Criminal Law treated separately, under Article 236. According to this Article, any person who is professionally engaged in child trafficking with the purpose of material gain or within a criminal group, shall be sentenced to the prison term of between six months and ten years.

## The Netherlands

Important amendments to the Dutch criminal legislation took place on January 1, 2005, when the old Article 250a was replaced with the new Article 273-a, which now covers all forms of human trafficking, and not only sex trafficking as was the case before. This new incrimination now comprises not only exploitation in the so-called sex industry, but also forced exploitation through slavery in all other areas outside sex industry, as well as appropriate activities pertaining to the removal, i.e. transplantation of human organs. The new incrimination is, hence, broader and covers not only forced prostitution, but also other forms of human trafficking that may appear in practice.<sup>76</sup> It is interesting to mention here the Dutch national report on the situation of human trafficking.<sup>77</sup> There, it is stressed that in 2003, the police successfully solved 42 cases of trafficking in persons, which is a 13% down relative to 2002, while the number of suspects (the accused) in the same period fell from 207 to 148. Preliminary data for 2004 show, however, a certain increase both in the number of human trafficking cases and in the number of suspects involved in the commission of these offences. The report also stresses that domestic, i.e. Dutch nationals constitute about 25% of victims, while the majority of victims came from Romania and Bulgaria.

## Italy<sup>78</sup>

In the Italian criminal legislation, there are several incriminations pertaining to trafficking in human beings. Article 600 of the Criminal Code regulates the offence "keeping persons in slavery", which consists of the use of force to ensure ownership of another person or keeping that person in the state of permanent submission, when she/he is forced into labor, sexual services, begging or anything else which implies exploitation. For this offence, the Italian Criminal Code prescribes a sentence of 8-20 years in prison, whereby in cases which the court finds difficult, the penalty may be increased by one-third to one half. This will happen if the victim is younger than 18 and is being trafficked for exploitation in prostitution or if the offence is committed in order to remove organs for the purpose of illicit experiment or transplantation. Under the title "human trafficking", Article 601 specifies an offence committed by a person who, by using deception, force, threat, the abuse of power, the abuse of physical or mental disability of another or by promising money or other benefits, in order to achieve ownership of others, enables illegal entry into the country, settlement or transfer into inland Italy. Such a person shall be sentenced to 8-20 years' imprisonment, whereby in the same cases and situations, it may be increased by one-third to one half. The same penalty of 8-20 years in prison and the same possibility of one-third/one-half increase for more serious cases, shall be applied to anyone who sells, buys or gives the person subjected to trafficking, i.e. slavery as described in previous two offences.

<sup>75</sup> V. Nikolić-Ristanović, S. Čopić, B. Milić - op.cit.

<sup>76</sup> See at:

[www.minjus.nl/english/press/press\\_releases/archive/archive\\_2005/50906national\\_rapporteur\\_on\\_trafficking\\_in\\_human\\_beings\\_present\\_fourth\\_report.asp](http://www.minjus.nl/english/press/press_releases/archive/archive_2005/50906national_rapporteur_on_trafficking_in_human_beings_present_fourth_report.asp)

<sup>77</sup> See at:

[www.minjus.nl/english/press/press\\_releases/archive/archive\\_2005/50906national\\_rapporteur\\_on\\_trafficking\\_in\\_human\\_beings\\_present\\_fourth\\_report.asp](http://www.minjus.nl/english/press/press_releases/archive/archive_2005/50906national_rapporteur_on_trafficking_in_human_beings_present_fourth_report.asp)

<sup>78</sup> Ibidem pp. 266 - 267.

## Russia<sup>79</sup>

With the latest amendments to the Russian Criminal Code of January 2004, this area has been more precisely protected and penalties have become stricter, so that today there are three main incrimination in Russian criminal legislation - trafficking in human beings, exploitation of slavery and trafficking in children. Trafficking consists of recruitment, buying, selling, transportation, transferring, harboring or undertaking other activities aimed at exploiting people. The more serious form of this offence exists if it is committed against two or more persons, against a minor, which fact is known to the offender, through the abuse of office, by transferring the victim across the state border of the Russian Federation, by using forged documents, by using force. The gravest form exists if the offence resulted in the death of the victim or in grave harm to his/her health or any other serious consequences or if the offence is committed within an organized group. For the basic form of the offence, the perpetrator shall be sentenced to prison term of up to five years, for more serious form of three to ten years and for the gravest form of eight to 15 years in prison. The exploitation of slavery exists when one person's labor is exploited in such a way as if it concerns ownership of that person, i.e. if that person is not in position to refuse to work or to serve.<sup>80</sup> Grave and the gravest forms of the offence are, in terms of *actus reus* and the ways of commission, i.e. in terms of all other constitutional elements, the same as the offence of trafficking in human beings, including the same penalties.

## Ukraine<sup>81</sup>

The 2001 Criminal Law of Ukraine anticipates the criminal offence of trafficking in human beings or any other agreement which pertains to transportation with the purpose of human trafficking. This offence includes the sale or any other transfer of persons in exchange for remuneration, as well as any other illegal activity associated with legal or illegal transportation of persons (male or female) with or without his/her consent, across the border of Ukraine, for the purpose of further sale or transfer to other person(s), all of these aimed at sexual exploitation, participation in porno industry, criminal activities, slavery, adoption with self-serving motives, participation in armed conflicts, exploitation of his/her labor - the person who has committed this shall be sentenced to prison term of three to eight years. The offence may be qualified if it is committed against a minor, against several persons, if it is repeated or if it is committed on the basis of previous agreement of a group of people or by the abuse of power. If committed by an organized group or associated with illegal transfer of children to a foreign country without their return to Ukraine or for the purpose of removal of organs or tissues for transplantation or forced donation, or if it caused serious consequences, the offender shall be sentenced to eight to 15 years in prison, with the confiscation of property.

With amendments and supplements to the Criminal Law of Ukraine, in early 2006 two new articles pertaining to trafficking in human beings were added\*:

### **Article 149. Trafficking in human beings or other agreement on person**

#### **1. Trafficking in human beings or conducting other illegal agreement with a person as an object, as well as recruit-**

<sup>79</sup>M.Bošković, Z.Skavac - op. cit. pp. 270-271.

<sup>80</sup> This formulation that the person "is not in position to refuse to work or to provide services" is very important, and seems to us, effective because it actually makes the essence of this criminal offence and distinguish it from any other form of legal, voluntary paid labor. Of course, it is a whole another question whether it can always be established with certainty in practice that the victim could not refuse to provide services or "voluntarily" consented. However, this is the question of factual judgment of the court, which can always be problematic, especially when trials against organized criminal groups are concerned, which are as a rule the most complex and specific.

<sup>81</sup> V.Nikolić-Ristanović, S.Čopić, B. Mihić - op.cit.

\* The research covers the period to December 15, 2005 inclusive, save amendments to the Ukrainian legislation, which were subsequently incorporated into the text by ASTRA.

ment, transportation, harboring, transfer or receipt of a person, committed for the purpose of exploitation by means of deceit, blackmail, or the use of his/her vulnerable condition, is punishable by deprivation of liberty for a term of three to eight years.

**2.** Any such actions as provided for by paragraph 1 of this Article, committed in respect to a minor (up to 18 years of age)<sup>82</sup> or perpetrated upon two or more persons, or repeatedly, or by a group of persons with prior conspiracy, or by an official through the abuse of authority, or by a person upon whom the victim was dependant materially or otherwise, or committed in combination with violence that is not endangering life or health of the victim or his/her close relatives<sup>83</sup>, or in combination with threats of such violence is punishable by deprivation of liberty for a term of five to twelve years, with or without the forfeiture of property.

**3.** Any such actions as provided by paragraphs 1 or 2 of this Article, committed in respect to a minor (up to 14 years of age), or by an organized group, or if committed in combination with violence that is endangering life or health of the victim or his/her close relatives, or in combination with threats of such violence or committed by an organized group, or if causing grave consequences are punishable by deprivation of liberty for a term of eight to fifteen years, with or without the forfeiture of property.

**Note 1.** Exploitation of a person in this Article shall be understood as: all forms of sexual exploitation, use in porno business, forced labor or services, slavery or practices similar to slavery, servitude, involvement into debt bondage, extraction of organs, experimentation over a person, forced pregnancy, involvement into the criminal activity, use in armed conflicts, etc.

**Note 2.** Vulnerable condition of a person in the Articles 149 and 303 of this Law shall be understood as: the status of a person, due to his/her physical or mental peculiarities or external conditions, that divests or abridges his/her ability to comprehend his/her commission or omission of an act or to manage his/her actions, to make his/her own decisions according to his/her will, to maintain adequate resistance to violent or other illegal actions, as well as concurrence of severe personal, family or other circumstances.

**Note 3.** Responsibility for recruitment, transportation, harboring or receipt of a minor (up to 14 or 18 years of age) according to this Article shall be fixed whether or not such actions were committed with the use of deceit, blackmail, or the use of vulnerable condition of a minor, or the use or threat of violence, through the abuse of authority or by a person upon whom the victim was dependant materially or otherwise.

### ***Article 303. Pimping or engaging of a person into prostitution***

**1.** Engaging of a person into prostitution or forcing a person into prostitution with the use of deceit, blackmail or his/her vulnerable condition, or the use or threat of violence, or pimping, is punishable by deprivation of liberty for a term of three to five years.

**2.** Any such actions as provided for by paragraph 1 of this Article, perpetrated upon two or more persons, or committed repeatedly or by a group of persons with prior conspiracy, or if committed by an official through an abuse of authority, or by a person upon whom the victim was dependant materially or otherwise, are punishable by deprivation of liberty for a term of four to seven years.

<sup>82</sup> Clarification by Tetyana Rudenko (TR) - in Ukrainian legislation there are two types of minors: "maloletni" - up to 14 years of age and "nepovnoletni" - 14 to 18 years of age. Thus in brackets I identify what is meant by minors in each case.

<sup>83</sup> In Ukraine this definition includes not only relatives, but in general close people. This change was made to avoid the criminals to influence the victim through close people who may not necessarily be relatives. - TR

3. Any such actions as provided for by paragraphs 1 or 2 of this Article, when committed in respect to a minor (up to 18 years of age), or by organized group, are punished by deprivation of liberty for a term of five to ten years, with or without the forfeiture of property.

4. Actions provided for by paragraphs 1 or 2 or 3 of this Article, if committed against a minor (up to 14 years of age) or if they caused grave consequences, shall be punishable by deprivation of liberty of eight to fifteen years, with or without the forfeiture of property.

**Note 1.** Pimping in this Article shall be understood as: actions of a person that ensure the prostitution of another person.

**Note 2.** Responsibility for engaging of a minor (up to 14 or 18 years of age) into prostitution or forcing him/her into prostitution according to this Article shall be fixed whether or not such actions were committed with the use of deceit, blackmail, the use of vulnerable condition of a minor, or the use or threat of violence, through the abuse of authority or by a person upon whom the victim was dependant materially or otherwise.

### **Moldova**<sup>84</sup>

The Moldovan Criminal Code, which came into force on October 1, 2002, incriminates trafficking in human beings in Article 165. This concerns significant changes in comparison with the former Code (broadened *actus reus*, the introduction of the purpose of committing criminal offence into the main form of the offence, as well as the introduction of new qualifying circumstances, but also the provision of special protection for children-victims of trafficking in terms of introducing child trafficking as a separate offence). Current provision incriminates the recruitment, transportation, transfer, harboring or receipt of persons, with the purpose of commercial and non-commercial sexual exploitation, forced labor or service, slavery or practices similar to slavery, the using of person in armed conflicts or for participating in criminal activities or for harvesting organs and tissues for transplantation.<sup>85</sup> Basic form of the offence exists if it is committed with the use of threat of physical or mental violence which is not dangerous for life and health of the victim, including abduction, taking away documents and servitude to ensure the repayment of the debt. The offence may also be committed through deception, the abuse of victim's vulnerability or the abuse of power, giving or receiving money or any other benefit to ensure the consent of a person who has control over other person. The perpetrator of this offence shall be sentenced to 7-15 years' imprisonment. Qualified form of the offence exists if it is repeated, if it is committed against two or more persons, against a pregnant woman, by two or more persons, by using such violence which may endanger life, physical or mental health, or by using torture, inhuman or degrading treatment in order to ensure victim's consent, by depriving the victim of liberty, using arms or threat to reveal confidential information to victim's family and other persons, as well as by other means.<sup>86</sup> Penalty for this qualified offence shall be prison term of 10-20 years. The gravest form of the offence includes its being committed by an organized criminal group or criminal organization, or its resulting in grave bodily injury or permanent mental harm of the victim or in the death of the victim, in which case the offender shall be sentenced to 15-25 years or life imprisonment. Child trafficking is a separate form of trafficking in human beings (Article

<sup>84</sup> V. Nikolić - Ristanović, S. Čopić, B. Mihic.

<sup>85</sup> In that respect, according to UN, during the 1990s in Moscow, about 4,000 corps were left every year without relatives and these corps were mutilated, sold to various banks for tissues and organs, and later, money from such transactions was collected through special channels, laundered and put back into legal flows. In fact, the same countries which export human trafficking and prostitution, which are, of course, poor countries, are at the same time the victims of trafficking in human organs, and for this reason any regulation of trafficking in human beings needs to be put in relation with illegal medical experiments (see: Zvojin Aleksić, "Medicinski eksperimenti - krivičnopravne granice", a paper from the conference *Pravo i medicina - dodne tačke - sporna pitanja*. Srpsko udruženje za krivično pravo and Jugoslovensko udruženje za medicinsko pravo, Kopaonik, March 17-30, 1997, p.190).



206), and the perpetrator shall be sentenced to 10-15 years in prison. Qualified form of the offence exists if the commission is associated with the use of physical or mental violence against a child, if the child is sexually assaulted, commercially or non-commercially sexually exploited, if torture, inhuman or degrading treatment is used, etc. In this case, the offender shall be sentenced to the term of imprisonment of 15-20 years. If the offence is repeated or if it is committed against two or more children, or within a criminal organization or a criminal group, if it resulted in grave bodily injury, permanent psychological damage or death of the child, the court may pronounce the sentence of 20-25 years or life imprisonment. Moreover, the Moldovan legislator provides for penalties for taking away, theft, destruction, damaging, hiding or holding the passport or other important document in order to restrict liberty of other person, including the restriction of freedom of movement or deprivation of liberty (Article 360, Paragraph 2). Penalty for this is fine in the amount of 500 minimum wages at most or prison sentence of up to five years.

### **Bosnia and Herzegovina<sup>87</sup>**

Bosnia and Herzegovina is specific, among other things, for its criminal justice system. Namely, in the territory of B&H, there are several different, although not incompatible, criminal laws: the Criminal Law of Bosnia and Herzegovina, the Criminal Law of B&H Federation, the Criminal Law of the Republic of Srpska and the Criminal Law of the Brčko District. Here, however, we do not treat the whole complex problem of mutual relationship between the B&H law and the Republic of Srpska law, but we mention and examine only several incriminations of importance for the issue of human trafficking. Under Article 185, the Criminal Law of B&H incriminates holding in slavery and transportation of enslaved persons. This offence has three forms: placing another person in slavery (1-10 years' imprisonment); buying, selling or handing over to another of an enslaved person (not less than five years - general maximum is 20 years); and transportation of persons in slavery (six months to five years). Article 186 of the same Law regulates trafficking in human beings, in which paragraph 1 - Basic Form, usual terms are used: force, threat, coercion, abduction, the abuse of power or influence, the abuse of vulnerability; recruiting, transporting, handing over, etc. Prescribed penalty for this offence is imprisonment of one to ten years. Penalty for more serious form from paragraph 2, which is constituted if the victim is a minor, is five to 20 years in prison, and for the gravest form, which exists if the trafficking is committed within an organization, imprisonment of not less than 10 years or "a long" prison sentence, which means imprisonment of 20-45 years. Article 187 incriminates "international recruitment for prostitution", which, actually, means recruitment for going to another country to engage in prostitution there. Penalty for this offence is imprisonment of six months to five years, except when minors are involved, when the perpetrator shall be sentenced to 1-10 years in prison. An important provision in that respect is that the fact that one person was engaged in prostitution earlier does not affect the existence of the criminal offence.

The Criminal Law of the Republic of Srpska (CL RS), in Article 198, incriminates "trafficking in human beings for prostitution". Practically, according to all elements of the offence, this coincides with the mentioned offence from the Criminal Law of B&H "international recruitment for prostitution", except for the fact that recruitment, incitement, coercion into prostitution here do not take place in a foreign country, but in the territory of the Republic of Srpska, i.e. B&H. Another

<sup>86</sup>The legislator has opted for listing *exempli causa*.

<sup>87</sup> Miloš Babić, Ljiljana Filipović, Ivanka Marković, Zdravko Rajić, *Komentari krivičnih/kaznenih zakona u Bosni i Hercegovini*, knjiga I i II, Sarajevo, 2005.

significant difference is that if the offence is committed against a child or a minor, the perpetrator shall be sentenced to imprisonment of one, but not to 10, but to 12 years. To a certain extent related is the provision of Article 199 CL RS "Exploitation of children and minors for pornography", penalty for which is six months to five years in prison. We should also mention Article 200 "Production and showing child pornography", with sentence ranging from up to one year for basic form to three years, if the offence is committed against a person younger than 16, i.e. between six months and five years if pornographic material is distributed through public media, that is, the Internet.

### Montenegro<sup>88</sup>

In late December 2003, the Montenegrin Parliament passed the new Criminal Code of Montenegro. Within Chapter XXXV - Criminal offences against humanity and other rights guaranteed by international law, Article 444 of the Code incriminates human trafficking, which was a new offence, unrecognized by Yugoslav criminal legislation until that moment. *Actus reus* of this offence is alternatively specified and consists of recruitment, transportation, transfer, handing over, selling, buying, brokering in sale, harboring or keeping another person. Certain dilemmas could only be raised by the term "recruitment", but it should be interpreted in relation to objectives which the legislator attempted to reach. This offence, according to the Law, could be committed through force and threat, misleading or keeping in delusion; the abuse of power, trust or dependence or difficult situation; keeping personal documents; giving or receiving bribes or other benefits in order to acquire consent of a person who has control over other person. All listed activities, as well as the ways of committing the offence, are aimed at following: forced labor, servitude, committing criminal activities; prostitution, begging, exploitation pornography, taking away a body organ for transplantation and participation in armed conflicts.<sup>89</sup> In the second paragraph of this Article, this offence is incriminated even when the perpetrator does not use threat, force or any of the listed ways, but the victim is a minor. Penalty in both cases is one to 10 years in prison. However, if force, threat, coercion, abuse and the like is used against a minor (paragraph 3), the perpetrators shall be sentenced to not less than three years in prison: since general maximum for a prison sentence at the moment is 20 years, this practically means three to 20 years in prison. If the offence resulted in grave bodily injury, the perpetrator shall be sentenced to imprisonment of one to 12 years (paragraph 4). If a death of one or more persons occurs (paragraph 5), penalty shall be not less than 10 years in prison. For persons involved in this offence in an organized way, sentence prescribed in paragraph 6, shall be not less than five years in prison.

Article 445 of the Criminal Code of Montenegro incriminates trafficking in children for adoption.<sup>90</sup>

Article 446 of the Criminal Code of Montenegro regulates holding in slavery and transportation of enslaved persons. This offence is constituted when, in violation of international law, someone places or holds a person in slavery or similar position, or buys, sells, hands over to another or acts as intermediary in buying, selling and handing over of such person, or induces another to sell his/her freedom or freedom of person under his/her support or care. Such person shall be sentenced to imprisonment of one to ten years. Paragraph 2 of this Article incriminates the transportation of persons in slavery, sentence for which being imprisonment of six months to five years.

<sup>88</sup> The referendum on state status of Montenegro was held on May 21, 2006. On June 3, the Montenegrin Parliament officially declared independence.

<sup>89</sup> About this, see: Ljubiša Lazarević, Branko Vučković, Vesna Vučković, *Komentar Krivičnog zakonika Crne Gore*, Cetinje, 2004, pp. 1065-1069.

## IV - Domestic Anti-Trafficking Legislation

### Kosovo (UNMIK)<sup>91</sup>

On January 12, 2004, UNMIK passed a Decree 2001/4 prohibiting human trafficking in Kosovo. Any person involved or attempting to get involved in human trafficking shall be sentenced to imprisonment of two to 12 years, that is, up to 15 years if the victim of trafficking is a minor. For organizing a group for the commission of this criminal offence, penalty is prescribed in the duration of five to 20 years in prison, while the person who enabled trafficking in human beings out of negligence shall be sentenced to imprisonment of six months to five years. Also, any person who uses sexual services of a person for whom he/she knows that is the victim of trafficking, or solicits such a person for prostitution, shall be sentenced to three months to five years in prison, that is, ten years if the victim offering sexual services is younger than 18.

### Serbia

Until recently, we did not have adequate incriminations which would regulate human trafficking, i.e. people smuggling. In that respect, what should be mentioned are two provisions of the Criminal Law of S(F)RY:<sup>92</sup> holding in slavery and transportation of enslaved persons (Article 155) and illegal crossing of state border (Article 249). The provisions of this Law, as we will see, are far shorter than the provisions of the new Serbian Criminal Code.<sup>93</sup> With amendments and supplements to criminal regulations in April 2003, incrimination "exploitation of a minor for pornography" (Article 111-a), that is "trafficking in human beings" (111-b) were introduced into the Criminal Law (CLRS).<sup>94</sup> For the basic form of this offence, which is constituted when the victim is younger than 18, but older than 14, the perpetrator shall be sentenced to imprisonment of one to five years; when children under 14 are involved, the perpetrator shall be sentenced to not less than three years in prison (maximum penalty being 15 years). Certain Nikola Bugardžić upon the indictment by the Second Municipal Prosecutor's Office, in early October 2005, was sentenced to three years in prison for selling, i.e. advertising over the Internet the sale of movies and photographs with pornographic content, in which the victims were 10, 12 and 15 - month old babies, as well as children of two to six years of age.<sup>95</sup> The perpetrator got the mildest sentence prescribed under the Law.<sup>96</sup> In November, a trail against Yugoslav Stefanović was started before the Belgrade District Court; Mr. Stefanovic was sentenced to prison term of 12 years.<sup>97</sup>

<sup>90</sup> "(1) Whoever takes a person that has not turned 14 for adoption contrary to existing regulations or whoever adopts such a person or mediates in such an adoption, or who to that end buys, sells or transfers another person who has not turned 14, or transports, accommodates or harbors such a person, shall be sentenced to imprisonment of 1 to 5 years. (2) Whoever commits activities described in Paragraph 1 hereof or the offence is committed in an organized way by several persons, shall be sentenced to imprisonment of not less than three years."

<sup>91</sup> V. Nikolić-Ristanović, S. Čopić, B. Milić - op. cit.

<sup>92</sup> For thirty years, this Law, without any major changes, only changed its title in accordance with changes in the name of the state - CL SFRY, CL FR Y and finally BCL - Basic Criminal Law.

<sup>93</sup> About this, for example, on the need to modernize our criminal justice system in combating new forms of human trafficking, see in: group of authors, *Kompatibilnost jugoslovenskog prava sa odredbama Evropske konvencije o ljudskim pravima* (Beograd: Institut za uporedno pravo, 2002), p. 72. Article 155, BCL (CL S(F)\_RY) reads as follows: (1) Whoever places another person in slavery or transport enslaved persons, or incites the other to sell his/her freedom or the freedom of persons under his/her support or care, shall be sentenced to imprisonment of one to 10 years. (2) Whoever transports persons in slavery from one country to another, shall be sentenced to imprisonment of six months to five years."

<sup>94</sup> It is strange that both these incriminations are put in the same group - chapter of criminal offences against human dignity and moral (sexual offences), which seems to be an inadequate solution, especially when human trafficking is concerned, since human trafficking need not be associated with sexual offences, although in practice it most often appears as forced prostitution; even then, the real object of protection with regard to this offence is, actually, human freedom in general, and not only sexual freedom..

<sup>95</sup> [www.glas-javnosti.co.yu](http://www.glas-javnosti.co.yu) of Tuesday, November 22, 2005, under the title "Abuse and ten-month babies".

<sup>96</sup> However, it should be borne in mind that penal policy, i.e. court practice has not been built yet in our country when such cases and situations are concerned. New penalties are yet to come, i.e. court practice will take adequate positions with regard to this and similar issues.

<sup>97</sup> We are drawing attention to very common situation in the media: hungry for sensations, journalists often twist facts. Because, in the concrete case, the accused was sentenced to 12 years in prison not for child pornography, but in combination of this offence with an offence from Article 106 CLRS - sexual intercourse or buggery with a person who has not turned 14, and a headline which appeared in one papers "12 years for Child Pornography" is not true, because the accused was sentenced to such a high sentence not so much for child pornography, but for sexual intercourse with a 14-year old girl. The headline "12 Years for Child Pornography", published in daily "Politika" on November 24, 2005, p. 10.

### **Criminal Code of the Republic of Serbia**

The newly adopted Criminal Code of the Republic of Serbia, which came into force on January 1, 2006,<sup>98</sup> contains several incriminations interesting for this research: trafficking in human beings, trafficking in children for adoption, holding in slavery and transportation of enslaved persons. These criminal offenses are comprised in Chapter XXXIV - Criminal offences against humanity and other rights guaranteed by international law. The legislator took into account the Roma Statute of the International Criminal Court, which classifies trafficking in human beings among the gravest crimes - crimes against humanity.<sup>99</sup> To a certain extent related to these criminal offences is a criminal offence from Article 350 - illegal crossing of state border and people smuggling from Chapter XXXI - Offences against public peace and order.

#### **Trafficking in Human Beings - Article 388**

*Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person's labor, forced labor, commission of offences, prostitution, mendacity, pornography, removal of organs or body parts or service in armed conflicts, shall be punished by imprisonment of two to twelve years.*

*When the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration.*

*If the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished by imprisonment of minimum three years.<sup>100</sup>*

*If the offence specified in paragraphs 1 and 3 of this Article resulted in grave bodily injury of a person, the offender shall be punished by imprisonment of three to fifteen years.*

*If the offence specified in paragraphs 1 and 3 of this Article resulted in death of one or more persons, the offender shall be punished by imprisonment of minimum ten years.<sup>101</sup>*

*Whoever habitually engages in offences specified in paragraphs 1 and 3 of this Article or if the offence is committed by an organized group, shall be punished by imprisonment of minimum five years.*

#### **Trafficking in Children for Adoption - Article 389**

*Whoever abducts a child under fourteen years of age for the purpose of adoption contrary to laws in force or whoever adopts such a child or mediates in such adoption or whoever for that purpose buys, sells or hands over another person under fourteen years of age or transports such a person, provides accommodation or conceals such a person, shall be punished by imprisonment of one to five years.*

*Whoever habitually engages in activities specified in paragraph 1 of this Article or if the offence is committed by an organized group, shall be punished by imprisonment of minimum three years.*

<sup>98</sup> The Code was adopted on September 29, 2005 and publicized in Official Gazette of RS no. 85/05.

<sup>99</sup> Rome Statute of International Criminal Court (1998) <http://www.un.org/law/icc/statute/rome.htm>. Our country ratified it in 2001 by the Law ratifying the Rome Statute (OG FR Y - IA no. 5/2001).

<sup>100</sup> In new Criminal Code, the maximum penalty is 20 years in prison, and when it reads "imprisonment of minimum three years" it actually means between three and twenty years, Article 45 CLRS (authors' remark).

***Holding in Slavery and Transportation of Enslaved Persons - Article 390***

*Whoever in violation of international law enslaves another person or places a person in similar position, or holds a person in slavery or similar position, or buys, sells, hands over to another or mediates in buying, selling and handing over of such person or induces another to sell his freedom or freedom of persons under his support or care, shall be punished by imprisonment of one to ten years.*

*Whoever transports persons in slavery or other similar position from one country to another, shall be punished by imprisonment of six months to five years.*

*Whoever commits the offence specified in paragraphs 1 and 2 of this Article against a minor, shall be punished by imprisonment of five to fifteen years.*

As has been said earlier, the provision of Article 350 of the new Criminal Code of the Republic of Serbia also deserves attention. It is indirectly related to trafficking in human beings as it primarily regulates illegal migrations and people smuggling, and as such, it did not exist in our previous criminal legislation.

***Illegal Crossing of State Border and People Smuggling - Article 350***

*Whoever without a required permission crosses or attempts to cross the border of Serbia and Montenegro (SaM), under arms or by use of force, shall be punished by imprisonment up to one year.*

*Whoever enables another illegal crossing of the SaM border or illegal sojourn or transit through SaM to a person who is not a citizen of SaM with intent to acquire a benefit for himself or another, shall be punished by imprisonment of three months to six years.*

*If the offence specified in paragraph 2 of this Article is committed by an organized group, by abuse of authority or in a manner endangering the lives and health of persons whose illicit crossing of the SaM border, sojourn or transit is being facilitated or if a larger number of persons is being smuggled, the perpetrator shall be punished by imprisonment from one to ten years.*

*The means intended or used for commission of the offence specified in paragraphs 1 through 3 of this Article shall be impounded.*

The new Criminal Code introduced another new criminal offence - showing pornographic material and child pornography (Article 185), classified within Chapter XVIII - Criminal offences against sexual liberty. The introduction of this offence was certainly affected by the fact that children today are trafficked not only for adoption, begging and the like, but also for the production and distribution of pornographic materials which are then further distributed to (potential) users.

<sup>101</sup> The same Article 45 of the new CCRS, in paragraph 3, anticipates that a term of imprisonment from thirty to forty years may exceptionally be pronounced for the most serious criminal offences. This practically means that here a sentence of 10-20 years may be pronounced, but when the court finds that this concerns an especially serious case, the term of imprisonment of 30-40 years is also possible. Here we do not want to discuss one absurdity of this legislative solution, i.e. that the court may not pronounce the sentence of 20 to 30 years in prison.

### ***Showing Pornographic Material and Exploitation of Children in Pornography - Article 185***

*Whoever sells, shows or publicly displays or otherwise makes available texts, pictures, audio-visual or other items of pornographic content to a child or shows to a child a pornographic performance, shall be punished with a fine or imprisonment up to six months.*

*Whoever uses a child to produce photographs, audio-visual or other items of pornographic content or for a pornographic show, shall be punished with imprisonment from six months to five years.*

*Whoever sells, shows, publicly exhibits or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting from offences specified in paragraph 2 of this Article, shall be punished with imprisonment up to two years.*

*Items specified in paragraphs 1 through 3 of this Article shall be confiscated.*

According to the Criminal Code of the Republic of Serbia, a child is a person under fourteen years of age, a minor is a person over fourteen years of age but who has not attained eighteen years of age and juvenile is a person who has not attained eighteen years of age.<sup>102</sup>

There is a dilemma regarding certain outdated and old-fashioned quality of our legislator. This concerns paragraph 1 of this article: "makes available. . ." Even more important question is to specify precisely the term "children", as in itself, it need not mean much. To repeat it once again, the European Convention on Cyber Crime sees child pornography as pornography in which persons younger than 18 are involved. Exceptionally, this age limit may be decreased to 16 years of age, but not lower. It seems that our legislator could and must accept a precise solution like this one.

### **Victim's Accountability**

In the Criminal Code of the Republic of Serbia, there is a provision about force and threat. Earlier, when force and threat were not explicitly mentioned in the Law, they were treated in relation to self-defense and extreme necessity, excluding criminal liability of the offender, that is, the existence of the offence. Today, however, in Article 21 of the new Criminal Code, it is put as follows:

*An act committed under irresistible force is not a criminal offence.*

*If a criminal offence is committed under force which is not irresistible or under threat, the offender may be punished more leniently.*

*In case referred to in Para 1 of this Article, the person using irresistible force shall be considered perpetrator of the criminal offence.*

However, legal solution does not foresee that victim's consent for exploitation shall be considered irrelevant, if any of the listed ways of committing this offence is used. In that respect, there is a departure from the standard provided for under Article 3, Paragraph (b) of the First Protocol.

<sup>102</sup> Article 112, Para. 8 - 10.

What to do with the victim of human trafficking who finds him/herself in a foreign country, without a residence permit, and very often even without documents, it is not the question of either criminalization or decriminalization, but is more the problem of providing assistance and of preventing secondary victimization. For this reason, here we want to point out to the significance of an Instruction, which the Serbian Interior Minister issued on July 5, 2004, and which refers to conditions for approving temporary residence to foreign nationals - trafficking victims.

The Instruction has explicitly made a step towards the decriminalization of the victims of trafficking in accordance with UNHCHR Recommendations. Since the Instruction itself mentions general legal institutes of force, threat, self defense and extreme necessity, it could be practically said that in the legal sense of the word, there has not been a need for such a provision, because the general principles of criminal and petty-offence legislation excludes victim's accountability in these cases. However, it should be borne in mind that not all people from the police have sufficient legal education to interpret the situation in such a way, and the role of the Instruction is not useless in that respect, in terms of education of law enforcement officials in human trafficking cases.

In relation with this Instruction is certainly the Instruction on procedure for approving temporary residence to foreign nationals - victims of trafficking, issued by the Ministry of the Interior of Serbia on September 20, 2004, which is directly linked to the former one.

## Conclusion

Comparative analysis of international documents and national regulations shows that there is a considerable similarity in legal formulations of specific criminal offences in the area of human trafficking. Differences are almost irrelevant. It can be observed that the legislator in both international documents and national legislations uses a general formulation. General formulations in themselves are neither positive nor negative. It is to be seen in practice how a specific legal standard will be applied. The risk to omit something in case of enumeration is rather huge, especially with regard to criminal regulations, because life is always much more inventive than the most imaginative legislator. Of course, what could be raised as a question in our case is the efficiency of the judiciary system which applies the regulations.

As far as prescribed penalties are concerned, differences are not so small or completely irrelevant. The USA stands out with very strict penalties, i.e. with the possibility of life imprisonment if the death of the victim occurs or if the offence is committed through abduction, that is, if more serious form of sexual violence is attempted or committed, that is, in case of attempted murder. Very strict are also the laws of Romania, Italy, Ukraine, Moldova and B&H. In fact, it can be said that these are all countries in which the problem of human trafficking is very pronounced, either if they are countries from which victims "emigrate", i.e. where they are recruited or the regions to which they "immigrate", that is, countries of destination. In that respect, it is understandable that the legislators in these countries are stricter, because in this way they want to use legislative action, general and special prevention, to affect the solution of this problem which societies in question are faced with. But at the same time, this shows that law only, that is, penal policy only cannot do much. What is always necessary is a broader social and polit-

ical, and even economic action. Prescribed penalty, as has been stressed in theory for a long time<sup>103</sup>, is neither decisive nor the most important factor. The problem is much more complex. This concerns general situation of morality and economic relations in one society, often geographical position of societies - states in question, and certainly the development of the system of social services for education of potential victims of these offences, as well as the system of measures and services for providing post-traumatic assistance to the victims of trafficking, which is a whole different topic.

The Internet is not explicitly mentioned in legal texts. The only exception from this rule is the Law of the Republic of Srpska and some documents of the European Union. The French Penal Code speaks of computer systems, communication networks and messages sent to unspecified number of persons, which, through extensive interpretation, could be associated with the Internet. If these means are used in the commission of the criminal offence, the perpetrator shall be subject to qualified sentence. The UN Convention against Transnational Organized Crime mentions communication technologies and, *exempli cause*, lists links and other adequate means.<sup>104</sup> In the European Convention on Cyber Crime, however, State Parties undertook to adopt adequate legislative and other necessary measures "as may be necessary to establish as criminal offense under its domestic legislation the following conduct:

- a. Producing child pornography for the purpose of its distribution through a computer system;
- b. Offering or making available child pornography through a computer system;
- c. Distributing or transmitting child pornography through a computer system;
- d. Procuring child pornography through a computer system for oneself or for another person;
- e. Possessing child pornography in a computer system or on a computer-data storage medium".

In accordance with the Report on the Convention, the definition of a computer system coincides with the term computer in our language, in the way as it is used in the Criminal Code of Serbia; however, it is still not specified what the Internet is.

Solutions which exist in comparative law result from impossibility to predict future development of technologies. What if in future recruitment, frauds, incitement start taking place through SMS messages which replace the Internet? Or something completely new arises? Because, this is the very risk pointed to by one EU study. It is easy to notice certain changes in EU texts dealing with this problem. At the beginning, they talked about the Internet, while the last adopted enactment of 2005 on Internet safety measures talks not only about the Internet, but also about on-line technologies. Also, in the 2003 report submitted within the evaluation of what had been done until that moment, what was mentioned was the possibility of further development, where attention was drawn to other tools, besides the Internet, which are equally risky for potential victims, with special emphasis on the third-generation mobile phones.<sup>105</sup>

It is unquestionable that the Internet (and internet) may be a tool for committing a criminal offence<sup>106</sup>. The legislator, however, speaks about misleading and keeping in delusion, that is, deception, while the Internet is only used as an instru-

<sup>103</sup> Such a position, according to which the severity of penalty does not affect the prevention of criminal behavior, as much as it is affected by likelihood of the perpetrator being discovered or remaining uncovered, was for the first time formulated in the 18th Century by Cesare Beccaria in his book "On Crimes and Punishments". Such a theoretical conception proves true when trafficking in human beings is concerned. To a great extent in vain turn out to be severe penalties, if they are not applied in practice, i.e. if perpetrators in the majority of cases stay undiscovered and unpunished, thus continuing to practice their "trade". Specifically, the fact that in Moldova and Romania, sentence for the gravest form of trafficking ranges between 15 and 25 years in prison in no way means that this phenomenon has been eradicated and less present in these countries than in Sweden, where penalty for this offence is "only" from two to 10 years in prison.

<sup>104</sup> Article 24, Para. 2.

<sup>105</sup> The Report on the program is contained in the document COM (2003) 653 final, but has not been publicized in EC's Official Journal.

<sup>106</sup> About the elements of the body of criminal offence, see, for example: Nikola Szentici, Aleksandar Stajić, Ljubiša Lazarević, *Krivično pravo - opšti deo*, Beograd, 1984, pp 155-158, or Zoran Stojanovića, *Krivično pravo - opšti deo*, Beograd 2002, pp. 119-121.



ment through which trafficked victims are deceived, misled or kept in delusion. From the legal point of view, it is completely irrelevant whether an ad with attractive job offer appeared in newspapers or on the Internet.<sup>107</sup> Actually, there may appear a serious problem in criminalistic sense in practice, because it is much more difficult to control the Internet and, consequently, advertising over the Internet is much more difficult to track down.

When we speak of criminalistic aspects of the Internet as an instrument for the commission of a criminal offence, special attention should be paid to the provisions of the UK Sexual Offences Act of 2003, more precisely provision 5.46: *Criminal Procedure, Investigation*. In Great Britain, namely, two very important investigating bodies of some sort were formed: Internet Watch Foundation and GCHQ – Government Communication Headquarters, which have expertise to monitor situation on the Internet with regard to child pornography and to run investigation in that area.<sup>108</sup>

The Convention on Cyber Crime came into force on July 1, 2004.<sup>109</sup> As a signatory, our country undertook to adjust its regulations. Hence, this opens the room for adequate provisions to be incorporated into the Criminal Code. They could find their place in the section dealing with computer-related offences. There is another possibility, which seems even more adequate: the police, by organizing specialized units to deal with the Internet and possible Internet crime, would have to keep a special eye on this phenomenon.

According to the current state of affairs, the most adequate might be to opt for supplements to the Law on Organization and Competences of State Authorities in Fighting against Hi-Tech Crime<sup>110</sup>, because this Law foresees the establishment of specialized state bodies which would deal with new technologies. Various experts, including legal specialists and relevant engineers, as well as persons who know human trafficking best because they work directly with victims, should certainly work very carefully on the formulation of legal amendments and supplements. Concurrently, activities should be organized in the area of education of those on whom practical implementation of regulations directly depends.

Human trafficking is a multi-dimensional phenomenon and requires broader and more comprehensive social action, with a series of non-legal, particularly economic, social and political measures and activities, and legal provisions are not and cannot be sufficient.<sup>111</sup> Therefore, wide social action should in no way be neglected, which would aim at raising the awareness of abuse possibilities and risks disguised in the benefit of modern on-line technologies.

<sup>107</sup> The same may apply on murder – neither our nor any other legislation in the world distinguishes between a murder committed with a gun, revolver, knife, bomb, strangulation, suffocation, etc.

<sup>108</sup> These provisions of the Sexual Offences Act, in fact, specify that downloading from the Internet of photos with child pornography is allowed to the members of these bodies, these organizations for the sake of easier pursuing of investigating activities in processes against child pornography on the Internet. It is obvious that technological and all other specific characteristics require high specialization and permanent professional development in this area of authorities in charge of investigation. Hence, criminalistic aspects of the Internet are nowadays so important and topical that they require the establishment of specialized bodies, as is the case with UK.

<sup>109</sup> Analyzed regulations were mainly passed before that date.

<sup>110</sup> The Law was passed on July 15, 2002 and publicized in the Official Gazette of RS no. 61/05.

<sup>111</sup> Nataša Mrvić – Petrović, "Trgovina ljudskim bićima kao specifična forma ženske migracije", *Temida*, no. 1, 2002, p.14.



## Looking Backward

The surveys conducted aimed at giving an overview of the situation in Serbia when the recruitment of victims of trafficking in persons/children over the Internet is concerned, from more angles and by different actors. Also, an objective was to identify potentially vulnerable groups, the so called groups at (greater) risk, and on that basis, and taking into account all available data, to propose certain recommendations to the experts of different profiles who deal or should deal with the prevention of this serious social problem.

ASTRA's practice has shown many times so far that from time to time, in accordance with social climate in which our country is and to actions undertaken by the police and the judiciary, human traffickers are changing both routes and methods of transfer of victims from one place to another, and the manners of recruiting them. Of course, as potential victims differ according to age, gender, socio-economic status, various forms of entering into the trafficking ring exist simultaneously, and traffickers, like "good psychologists" choose which one to use taking into account characteristics and needs of the concrete potential victim.

Various forms of both the recruitment and the exploitation of victims and their dynamics require equally dynamic social response to the problem. Continuous vigilance of anti-trafficking organizations and institutions, but also their coordination (the existence of the system, the plan of action and good cooperation) is the only efficient way for combating this very complex criminal activity.

Therefore research activity is necessary in order to respond to the emergence of any change in the pattern of work of human traffickers even if it looks "rare" or "sporadic". For this reason, a research like this one was necessary.

This research did not bring any "epochal" findings on the basis of which tools could be found which would "once and for all" eradicate human (child) trafficking in Serbia. However, every segment of the research sheds the light to the problem from another angle and points to specific shortcomings or advantages of the existing work of anti-trafficking actors. Such a research into human trafficking and the Internet has also brought us to some other serious problems which might (and actually do) threaten children and youth's security. Staring from the problem of the recruitment of trafficked victims over the Internet, which is the topic of our research, we have run across the problem of children exploitation in pornography and pedophilia over the Internet, sexual harassment, aggressive behavior of Internet users, computer crime... All these problems may go, but not necessarily, hand in hand with human trafficking, which certainly makes the job much more difficult for all of us, anti-trafficking actors.

However, the fact that certain instances deal exclusively with the problem of human (child) trafficking and others with other forms of child abuse is in no way an excuse for turning a blind eye to anything that does not fall within one's narrow scope of work. The smallest common denominator of child trafficking, pedophilia and child abuse for pornography is the very exploitation of children for various purposes and the violation of all children rights. When all of this is done over the Internet, Internet crime gets involved. Everybody will agree that we cannot protect our children and youth partially, but what does it mean in the area of practice and concrete activities? Certainly, realizing a bigger picture, learning and extending knowledge from other areas and much cooperation, joint strategies and concrete actions.

For this reason, the abuse of children for various purposes (such as, for example, child trafficking or child abuse for pornography) inevitably raises the question of the best interest and protection of child's rights. As already mentioned, a child cannot be protected partially, only in certain cases or only by certain social actors. Since our country ratified already in 2002 the Optional Protocol to the UN Convention on the Rights of the Child, which treats the sale of children, child prostitution and child pornography, it undertook the obligation to adjust the existing national legislation, adopt adequate regulations in the areas which are not legally regulated and carry out various measures aimed at the improvement and realization of various children's rights. The implementation of these measures (by the state) is what we wanted to talk about with the employees of one of the institutions which, due to the nature of its work, face on a daily basis children who suffer(ed) violence or committed some criminal efficiencies.

The first interview was conducted with an officer of the Ministry of the Interior of the Republic of Serbia who is professionally engaged in the Criminal Justice Department's Section for Prevention and Suppression of Other Forms of Crime. It should be mentioned that this person has been working for several years exclusively on the prevention and suppression of violence against children and minor's delinquency.<sup>1</sup>

According to this officer, Serbian Mol, as the state administrative authority, implements obligations specified by the law, that is, ensures conditions for the realization of rights specified by the law. This Ministry acts in accordance with bylaws, and on this particular matter, especially important is the Instruction on the Dealing of Police Officers with Children and Minors. This Instruction is a bylaw of the Ministry of the Interior which specifies the dealing of police officers in undertaking measures and actions on combating and suppressing criminal offences and misdemeanors for which minors are suspected. Also, this enactment specifies the treatment of children and minors who are the victims of criminal offences or who the police officers come in contact with on other grounds. In practice, this means that when a child or a minor appears as the victim of criminal offence with the elements of sexual exploitation, abduction or human trafficking, police officers may receive a report or take a statement from the children (for the purpose of filing criminal charges against the known/unknown perpetrator) only in the presence of a parent, an adopted parent or a guardian, i.e. professional from the guardian body, school psychologist or pedagogogue, or educator from the institution in which the child or the minor is temporarily placed. After that, police officers shall notify their colleagues in police departments in charge of suppressing minor delinquency who take over the case.

The collection of data from a minor/child who is the victim of criminal offence is done by these officers who, if needed and depending on specific event, cooperate with colleagues (in charge of sexual offences, illegal migrations, human trafficking...) and other relevant experts, psychologists, pedagogues, social workers, NGO activists... Every contact with the

<sup>1</sup> The respondent was directly engaged on solving the case of distribution of materials showing the exploitation of children in pornography and sexual intercourse with a person who has not turned 14. The case got its closure in court, and it was among the first cases of cyber crime prosecuted before our court. Details on the case could be found at the website of the Belgrade District Court/Interesting Cases. "On November 22, 2005, criminal panel of the District Court In Belgrade, chaired by Judge Velimir Lazović, pronounced a judgment to the defendant Stefanović Jugoslav for four counts of exploitation of minors in pornography under Article 111a, Par. 2 pertaining to Par. 1 of the CL RS, in concurrence with one count of sexual intercourse with a person younger than 14 under Article 106, Par. 1 CL RS. The court pronounced a uniform sentence of 12 years in prison (...). (...) During the hearing of evidence, held and finished on November 21, 2005, it was established that the defendant, in the period November 18-23, 2004, several times, using different user accounts for Internet access and different IP addresses, distributed, that is, sent under pseudonym, the photos of pornographic content of persons younger than 14, more precisely of minors - children, male and female, as well as babies, showing sexual intercourse, sexual abuse and buggery, both in a classical and in an especially cruel and humiliating way. Further on, it was established that the defendant had sexual intercourse with a person younger than 14, abusing trust of the minor girl, all of which he recorded by making pornographic photos that he transferred to the hard disc of his computer and kept at home. ...."; <http://www.okruzisudbg.org.yu>

child/minor must be in the presence of a parent, a guardian, an adopted parent or relevant professional. In all contacts with the child/minor, police officers shall proceed with great care, taking care of the maturity, other personal characteristics and the protection of privacy of minors involved, so that undertaken activities do not have adverse impact on the development of the person in question. The interviewed officer also said that education was necessary for this job, and that all employees had passed the training organized by the Judicial Education Center and obtained adequate certificates. However, once obtained certificates cannot and will not be a guarantee of acquired rights in dealing on cases where children and minors appear as victims.

Tasks and activities carried out by the Criminal Justice Department, in cases when children and minors appear as victims, have priority and are done exclusively in the best interest of the child, with purposeful usage of existing organizational-functional potentials. This means that all reports which contain the elements of abuse and exploitation of children require immediate action (emergency of procedure) of police officers. Organizational units working on the suppression of mentioned offences are required to run and update records, cooperate and coordinate actions with other organizational units of the Ministry and with relevant institutions and organizations (public prosecutor's offices, judicial authorities and detention authorities, and social welfare, educational and health institutions, as well as the NGO sector).

The duty and responsibility of criminal justice police officers is to act in all cases when there is a reasonable doubt that a criminal offence<sup>2</sup> has been committed which violates or threatens children's rights protected by the Constitutional Charter of the State Union of Serbia and Montenegro, the Constitution of the Republic of Serbia, criminal, petty-offence and family legislation, as well as by the mentioned Optional Protocol.

Interviewed officer says that basic forms of direct preventive action of the police is constable and patrolling activity done by police officers in uniforms, which requires permanent education of police officers. Because of the nature of their job, quality education, with permanent strengthening of cooperation with relevant institutions/organizations, is absolutely necessary for police officers dealing with the suppression and prevention of juvenile delinquency and violence against children.

As for state response which includes the work of the Ministry of the Interior, as well as of other relevant state bodies and organizations, the interviewed officer says that by the Decision of the Government of Serbia of May 16, 2002, a Council for Children Rights of the Government of Serbia has been formed. This Council has drafted the National Action Plan for Children.<sup>3</sup> The National Action Plan is based on the respect for four basic principles of UN Convention of the Right of the Child - non-discrimination, best interest of the child, right to life, survival and development and children's' participation. This is a strategic document which defines the policy of the Republic of Serbia towards children and youth for the period until 2015; it establishes standards which would ensure protection and improve conditions for more equal access to basic rights; it eliminates any form of discrimination, whereby special attention is paid to children who belong to excluded and marginalized population groups; it presents a mechanism for monitoring the situation of children rights in Serbia and protects children rights. It should be mentioned that one of priority goals of NAP is the protection of children from violence, negligence, exploitation and abuse. As a direct contribution to the realization of this goal, which refers to the establishment of an efficient, operational, multi-sectoral network for the protection of children, the Government of the Republic of Serbia made a conclusion in August 2005 and adopted a General Protocol for Protecting Children from Abuse and Negligence<sup>4</sup>, and this document was sent to all

<sup>2</sup> Criminal offence which is prosecuted *ex officio*.

<sup>3</sup> National Action Plan for Children, adopted by the Government of Serbia on February 12, 2004.

relevant ministries to acquaint with it, with obligation to draw up special protocols on proceeding in cases of child abuse and negligence in their scope of work.

Children protection legal framework has been harmonized with international documents, i.e. the Law on Minor Perpetrators of Criminal Offences and Criminal Justice Protection of Minors<sup>5</sup> has been adopted, containing special provisions on the protection of children and minors as victims in criminal proceedings.<sup>6</sup>

As the employees in this Department of the Ministry of the Interior (Section for Prevention and Suppression of Other Forms of Crime) directly deal with cyber/computer crime, the second interview was done with an expert dealing with this issue. A considerable number of questions which appeared in this research necessitated answer from this institutional instance, as well.

The interviewed expert explained that employees in this Section deal with all forms of computer crime (extortions and threats over the Internet, distribution of material showing the exploitation of children in pornography, violation of intellectual property rights...), and during five years they worked on 50 cases. With certain number of prosecutors and judges, members of this Section passed two training programs in the country (organized by OSCE) and abroad and made several study visits. Working "in the field", experts of this Ministry conclude in the first place that the possibilities of misusing computer and the Internet are huge and that it is realistic to expect that new forms of computer crime will appear. However, our country, i.e. institutions dealing with these issues, is far from being well equipped technologically, while police officers have very modest technical knowledge. They further stress that such a crime (heterogeneous and complex) require not only regional networking, but also global networking. To that end, the Section possesses, through Interpol, the list of all contact persons in charge of cyber crime, but this international cooperation is aggravated by different national legislations.

The interviewed expert said that our country had signed the Convention on Cyber Crime and as a result the Law on Organization and Competence of State Authorities for Combating High Technology Crime had been passed. This Law is essentially good, it only needs minor corrections. But what is needed (even necessary) is the implementation of the Law. Also, for someone to raise charges or make judgment pursuant to this Law, such a person must know the matter very well. Metaphorically speaking, a prosecutor cannot raise charges for "stealing an egg" and for technological crime, which is so broad and which requires some narrowly specialized knowledge.

As for the work of domestic Internet Service Providers, our law does not set forth obligatory monitoring of contents placed on their servers. Internet Service Providers are required to give competent state authorities (judiciary, prosecutor, the police) access to their complete operation, to reveal access logs, i.e. IP addresses of their users. The police do not need a warrant to access this information. But, situation becomes complicated when criminal activities over the Internet are done from places such as Internet cafes, Internet play rooms or hotels which provide Internet services to their guests in their lobbies.

<sup>4</sup> This Protocol was prepared by the Working Group which the Ministry of Labor, Employment and Social Policy formed, and the interviewed officer from the Criminal Justice Department of the Serbian Mol participated in the creation and correction of the text of the Protocol.

<sup>5</sup> The National Assembly of the Republic of Serbia passed on September 29, 2005 the Law on Minor Perpetrators of Criminal Offences and Criminal Justice Protection of Minors, which came into force as of January 1, 2006.

<sup>6</sup> Under Article 150 of the Law, for the sake of special protection of person of minors who appear as victims in criminal proceedings, 27 criminal offences were listed which should be tried by a trial chamber chaired by the judge specially trained in the area of the protection of children rights and criminal justice protection of minors. Therefore, if minors are victims of some of these 27 offences, the mentioned trial chamber tries the perpetrators even if they may be adults. These criminal offences include showing pornographic material and children exploitation in pornography, human trafficking, trafficking in children for adoption, holding in slavery and transportation of enslaved persons: [http://www.parliament.sr.gov.yu/content/cir/akta/akta\\_detailji.asp?id=287&t=Z](http://www.parliament.sr.gov.yu/content/cir/akta/akta_detailji.asp?id=287&t=Z)

As for the Internet distribution of pornographic materials involving children, the interviewed expert says that fight against this form of crime and the protection of children is very difficult without well-trained multi-professional teams<sup>7</sup> and modern techniques<sup>8</sup>, but also without persistent implementation of the Law. In other words, this type of service should not rely on the work of individuals, but there should be a system (service available 24 hours a day which gathers, besides trained police officers, quality psychologists and programmers, and which coordinates activities with special prosecutor). Here it should be mentioned that staff members of the Section (pursuant to the law) have started writing the systematization and a five-year plan of a special service, as well as the procedure for collecting, recovering and storing electronic evidence for computers and servers. Human (child) trafficking and recruitment over the Internet is seen as a serious problem in future, although in practice they did not come across it so far, and their recommendation goes towards the formation of a special unit which would deal with this.

But let's go back to the conclusions of the research and links between the Internet and human trafficking.

The analysis of the print media clearly shows that domestic journalists, both those working in Belgrade and in other towns in Serbia did not deal with examining such links and the aspect of Internet recruitment of victims. This is due to the lack of investigating journalism when the following of this social phenomenon is concerned, but also to the inaccuracy of organizations and institutions dealing with this issue towards timely public appearances and raising media interest in discovered facts. Question which may be asked here is how to improve the cooperation of media and organizations/institutions, and at the same time satisfy the needs of both journalists (e.g. for concrete facts, for topicality, for timely information...) and experts working on combating this issue (a need to protect the victim, his/her identity, reputation, human rights, to prevent of secondary victimization, to withhold facts because their revealing may jeopardize the investigation, etc).

The survey conducted on secondary school population shows that young people know that this problem exists and see Internet recruitment as a realistic and achievable possibility. The survey also discovers that more than two thirds of respondents use the Internet, where they have various unpleasant experiences and receive various offers. What could be observed is an ambivalent attitude towards meeting in person with contact made over the Internet, because on one side they have a need to have fun, date and expand their circle of friends, but on the other they fear that such acquaintance may bring something bad. What experts should deal with more seriously is how to relieve children from excessive fear by giving them certain "tools" through quality education, and the education of the entire population on good manners of Internet use. Also, the question of education of teachers and parents not only about the use of new technologies, but also on advantages and risks of the Internet use (primarily for young people, but also for adults) stays open for finding the most efficient model and the best model of application in practice.

An experiment in which systematic access to Internet chat rooms was made shows that it is very difficult to observe recruitment by using this form of communication in a mass of harmless contacts. Perfidiousness of human traffickers<sup>9</sup> and their usage of psychological mechanisms for winning victim's trust certainly does not go in favor of experts dealing with this issue.

<sup>7</sup> Teams composed of trained police officers, prosecutors, psychologists, IT experts.

<sup>8</sup> For example, one device for collecting data from a computer (with accompanying program) which is necessary for adequate provision and storage of electronic evidence, costs around EUR 12,000.

<sup>9</sup> A case which the researchers assessed as potential recruitment for human trafficking is illustrative of how the process of gaining trust goes, where the first contacts are used for "relaxing" and getting acquainted, while concrete offer was made only in the seventh contact. As opposed to, for example, sexual harassment over the Internet, which is, in our research, expressed most often already in the first contact, in the mentioned example, "benign" communication only in time developed into something else, which significantly aggravates the identification of the problem.

Also, work is not alleviated by the fact that Internet connections may be made almost instantly, with many people and at the same time. Material and human resources which human trafficker has at his disposal are reduced to the minimum, while the field of action increased unpredictably. The Internet offers enormous possibilities for hiding one's real identity and real intentions. Besides a general position that "timely information is the best prevention", it is up to experts to work out the way in which these information will be distributed and how quality they will be. The question that could be asked here is who to refer to for help in case of reasonable doubt and knowledge that the recruitment of victim in some concrete case has just started or is taking place on the Internet.

The experiment also vividly shows that the users of Internet chat rooms are faced with all unpleasant situations and "indecent proposals" about which we indirectly found out in an earlier research conducted on secondary school population.

Interviews with domestic Internet Service Providers show us into realistic possibilities of their "action in concrete situation", which, unfortunately, we assess as very modest. Striking is the lack of transparency with regard to legal competences and obligations of ISPs, i.e. they are generally not sufficiently familiar with domestic legislation and with what kind of data they can forward and to whom, when and under what conditions, as well as who they may refer to if they have information on criminal activities taking place in the part of the network which they maintain. On the other hand, they stress that the Internet may be used for the purpose of human trafficking and that it is necessary to adjust and direct educational actions towards broader public and towards teenagers, but also towards competent authorities (the police and the judiciary) with whom they would cooperate on concrete cases. Therefore, besides the issues of transparency of responsibility and obligations, the question "craving" for answer is the question of quality cooperation of ISPs and experts dealing with human trafficking prevention and suppression.

The comparative analysis of international documents and national legislations shows that there is great similarity in the formulation of criminal offences in the area of human trafficking and that the legislator(s) uses general formulation. The use of general formulations opens the question of implementation of laws, that is, how the judiciary of one country will implement laws in practice and what kind of standards will be applied. The question which logically follows is whether the judiciary system which applies the regulations is efficient enough. On the other hand, prescribed punishments for human trafficking in different national legislations differ considerably (from very strict to more moderate punishments), but in this area the question of "approach in practice" may be raised. In other words, the practice of mild penal policy will not make use of all possibilities of the law, at least when the prescribed punishment is concerned. However, making prescribed punishments and/or penal policy stricter as the only social response to this problem cannot be effective. Quality suppression of human trafficking, besides good laws and their persistent implementation, requires broader social, political and economic action. The eradication of corruption, increasing living standards of citizens, raising moral awareness, systematic measures of primary prevention (permanent informing of general public and groups at risk about the problem, its implications and possible solutions), as well as well designed resocialization programs for victims with adequate and applicable penal policy constitute quality fight against human trafficking.



As far as the Internet is concerned, the European Convention on Cyber Crime requires Member States "to adopt adequate legislative and other necessary measures in order to qualify certain actions committed on purpose and unlawfully as criminal offences in their national legislations". However, the Internet is not explicitly mentioned in legal texts, apart from a couple of exceptions. Solutions present in comparative law result from, *inter alia*, impossibility to foresee future development of technologies. The question that can be raised is what norms should be applied if it happens in future that recruitment, deceptions, incitement start taking place via, for example, mobile phones of the third generation. Or if something completely new appears.

## Looking into the Future

All results of implemented activities, as well as the opinions of interviewed experts dealing with human trafficking, the Internet, cyber crime, the prevention and suppression of various forms of exploitation of children indicate that adequate social reaction aimed at the protection of children and adolescents from risks linked to Internet use needs to target "three fields". The field of primary prevention would prevent the appearance of new cases of recruitment of human/child trafficking victims and the victims of other forms of child abuse over the Internet. The field of secondary prevention would concern early identification and prevention of such criminal activity. The field of tertiary prevention would be aimed at comprehensive help in the resocialization of child victims.

### The First Field - Prevention and Education

- Connecting all experts involved in anti-trafficking activities, combating violence against children and protection of children's rights and creating a strategy aimed at informing the public on the problem and the protection of children from risk that may accompany Internet use. The Strategy would include the mapping of the problem (various forms of harassment, Internet pedophilia and child pornography, various forms of recruitment for human trafficking, incitement to prostitution . . . ) and the creation of a framework of prevention activities for each problem, the mapping of potentially most at risk groups, the division of activities and the definition of measures for monitoring the problem and evaluating the results.
- Systematic implementation of campaigns aimed at public awareness raising of the problems linked to Internet use, the ways of protection and the forms of social actions.
- Education of staff employed in primary and secondary education on Internet technology, advantages and risks of use and on human (child) trafficking and the forms of child abuse. They should implement acquired knowledge within school curriculum.
- Specialized and continuous education programs for prosecutors, judges and police officers<sup>10</sup> dealing with the suppression of computer crime (on both technology and procedures).
- Prevention activities targeting parents to acquaint them with new technologies and possible problems which their children may run across while using it and the ways of prevention, as well as activities aimed at acquiring new, constructive skills which will strengthen parental capacities for establishing trust in relation "parent-child".
- Campaigns targeting children and adolescents aimed at informing them on Internet abuse possibilities and how to use it safely (taking care of age and needs of various categories of children and adolescents).
- Undertaking various prevention activities that target children and adolescents - Info SOS hotline and website through which young people could get informed on possible problems and report unpleasant experiences they had on the Internet; placing banners on the websites which are the most popular with young people and similar.

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<sup>10</sup> According to an official of the Criminal Justice Department, basic education is necessary for all Mol officers, from street cops up, in order to acquire basic information on IT technology and its adequate securing on the crime scene, in order to implement future investigation. The next levels of education are necessary for professionals which secure and keep data so that evidence will be valid and indisputable in court.

- Permanent and productive cooperation between experts and media people and working together in "the best public interest".
- Education of local ISPs about human (child) trafficking and their active involvement in prevention actions.

## **The Second Field - Early Detection and Suppression**

- Implementing the existing Law on the Organization and Competence of State Authorities in Combating Hi-Tech Crime. This Law sets forth the establishment of a specialized Service for combating these forms of crime<sup>11</sup> and specialized prosecution office. The Service should do the monitoring and data collection, as well as be organized in three units - one dealing with computer crime, the other in charge of intellectual property and the third for forensics<sup>12</sup> and logistics.
- Staff in these services should be of various profiles (the police, prosecutors, psychologists, IT experts) and all of them should be provided with optimum work conditions and technical equipment. Also, all employees in the Service should be fully educated on technical possibilities and shortcomings of computer systems.
- All relevant organizations and institutions should have a uniform methodology for keeping records of cases and exchange of information on Internet recruitment of children, Internet pedophilia and exploitation of children in pornography. Also, such a multi-sectoral approach to the prevention and combating of the problem should include the so called closed education programs - the conferences of cases, the presentation, monitoring and discussion of good and bad practice. On the basis of these experiences, amendments and supplements to the law would be proposed in order to keep track with practice for children's rights to be not only respected, but also advanced.
- Amending the law in order to define a child as any person younger than 18, and not like today younger than 14, with the enforcement of stricter penal policy when small children are involved.
- Harmonizing the Criminal Code of the Republic of Serbia with the Convention on Cyber Crime which our country signed, that is, incorporating all elements from the Convention, but also harmonizing the Law on Criminal Procedure. On the basis of the signed Convention, supplementing the provision of the Law on Organization and Competences of State Authorities in Combating Hi-Tech Crime which governs criminal offence against safety of computer data (e.g. when someone publicize an advertisement on behalf of other person, this offence may be prosecuted only by private plaintiff, while the bombarding of the server with various contents and spasm are not treated by this Law).
- Adopting a law or a decree on ISPs, i.e. stipulating legal obligations of ISPs to keep access logs for not less than six months.
- Besides distribution, sanctioning the possession of child pornography.

As for the results of the research, we are of the opinion that recommendations should include the following:

<sup>11</sup> According to the same official, educated individuals should work in the service, persons who have a need for constant professional development and acquiring new knowledge. However, such work should be adequately paid to prevent the "outflow" of HR and constant fluctuation of staff in which large investment has been made.

<sup>12</sup> In the Section for Prevention and Suppressing Other Forms of Crime, only one person works on the analysis of contents, which is, according to the interviewed person, insufficient.

- Permanent education of people in the police, prosecutor's offices and courts, not only of technical possibilities of high technologies and procedures of work, but also on the ways of adequate protection of child victims (through the examples of good practice) and all possibilities supplied through the provisions of the Criminal Code governing children, in order to act in accordance with the National Action Plan for Children.<sup>13</sup>
- Public identification and transparency in police and prosecution procedure so that local ISPs could know where to refer to if they observe such forms of Internet abuse. Consequently, establishing quality cooperation (mechanism) between organizations, institutions and providers and coordination of undertaken measures, which would enable timely and quick action.
- Setting up a Research Center, in which the experts of various profiles would follow developments on the Internet with regard to the possibility of exploitation of children and adolescents and systematize data.
- Monitoring the implementation of the Law on Hi-Tech Crime and lobbying for its improvement, as well as harmonizing legal framework for children protection with international documents<sup>14</sup> in order to ensure the protection of child victims and quality intergovernmental cooperation with regard to combating child exploitation.

### **The Third Field - Care for and Resocialization of Child Trafficking Victims**

Fight against organized crime such as human trafficking, and especially child trafficking, cannot be efficient unless there are adequate mechanisms for taking care of victims and long-term resocialization. For the very nature of this criminal activity and consequences which victims suffer during the situation of acute violence, as well as after getting out of the trafficking ring (secondary traumatization, physical consequences and consequences on mental health, prejudices and judgment by the community), return to the society and to "normal life" is a difficult and painstaking process and may take years. When child victims are concerned, resocialization mechanism should include also all those factors adequate with regard to the characteristics of developmental age and specific needs of the child in question. That is why it is useless if only one segment of society deals with these problems. Unfortunately, our country does not have either special shelters or special programs for minor victims<sup>15</sup> of human trafficking.

Therefore, without a comprehensive strategy of the whole country for the resocialization of victims (especially children), as much as we may attempt to find answers and plan activities to get in the way of human traffickers, as much as we may dedicate ourselves to discovering and suppressing new ways of recruitment, our efforts will be only partial and insufficient.

If society wants to work in the best interest of our children and adolescents, the allocation of professional, material and technical resources and the establishment of mechanisms for cooperation of all actors involved in this problem is a small pledge for returning childhood to those from whom it was stolen away.

<sup>13</sup> National Action Plan for Children, Government of the Republic of Serbia, 12 February 2004

<sup>14</sup> For example, amendments and supplements to the Criminal Law of April 2003 introduced incrimination "exploitation of minors in pornography" in Article 111-a (which objects of protection are children and minors, i.e. persons younger than 18). However, the Criminal Code, which came into force as of January 1, 2006, in Article 185 sanctions "showing pornographic material and exploitation of children in pornography". In other words, current Criminal Code protects only persons under 14 years of age from abuse for pornography. In all relevant international documents, a child is deemed to be any person under 18.

<sup>15</sup> According to ASTRA's statistics, the share of minors in the total number of identified victims ranged around 10% in 2002-2004, to reach very high 44% in 2004-2005.





## APPENDIX

### Appendix 1 - the Šabac Case

Public attention was caught by the so called Šabac case, named in the media as "the first case of Internet pedophilia" in Serbia. On May 6, 2005, newspapers published the first articles which addressed events in Šabac. The first information told us that the main suspect was an 18-year old boy in whose computer and mobile telephone the photos of sexual abuse of children, of whom the youngest were only one and the oldest ten years old, were found. The boy was arrested and detained for one month. According to information published in the media, it may be concluded that police investigation started after FBI's tip to Interpol Belgrade Office, according to which photos of sexual abuse of children came to the Internet address of one US citizen from Šabac.

In the following week, journalists published details about the arrested boy, his family, details from investigations which they could discover, they analyzed Serbia's legislation. They also published in detail information from the press conference held by police officers directly involved in this case.

A twist came on May 15. Newspapers wrote that another person was arrested, a 38-year old man from Loznica suspected of sending photos with child pornography. According to the media, subsequent examination of IP address and the time of connection at the local ISP showed that disputable e-mails were sent from the address of arrested man from Loznica. It turned out that the mistake occurred in recalculating time from Yahoo! Server, i.e. hours were added instead of subtracted. Newspapers published that after these findings, the first-arrested boy from Šabac was released.

During June 2005, four articles were published in direct relation with this case. All of them were dedicated to the news that investigation against the boy from Šabac was stopped, in which way he was released of all charges. Namely, according to papers, the police established that disputable photos existed in boy's PC, but that this was his private matter, that is, according to current law, possession is not considered to be a criminal offence.

In August 2005, another two articles were published, talking about the extension of investigation against the man from Loznica, suspecting him of buggery against a ten-year old girl from neighborhood whom he was supposed to baby-sit.

By the end of November, period for which the analysis of the print media was done, the media in Serbia did not discuss this specific case any longer.

## Appendix 2 -Questionnaire

Dear Respondent,

Please fill in this questionnaire and thus help the survey conducted by NGO ASTRA which examines the problem of recruitment of human (child) trafficking victims over the Internet. The poll is anonymous and your answers will be used for research purposes only.

*Thanks for cooperation in advance!*

Sex (circle)	M	F		
School Grade	I	II	III	IV
Age (enter)	_____			
School	_____			

Have you ever heard of human trafficking?	Circle the answer	YES	NO
What is in your opinion about human trafficking?	Enter the answer		
Is human trafficking present in our country?	YES	NO	
Who may fall victim to human trafficking?			
Who may be human traffickers?			
In which ways are the victims of human trafficking recruited?			

Do you use the Internet?	YES	NO
How often do you use the Internet?	Circle the answer a) Every day b) Several times a week c) Once a week d) Less than once a week	
For what purposes do you use the Internet?	You may circle more than one answer a) Entertainment b) Meeting new people c) Searching for information d) Sending and receiving e-mails e) Other (specify) _____ _____	



Do you chat with strangers over the Internet?	YES	NO
Have you had any unpleasant experience on chat?	YES	NO
If you answered Yes, please specify:		
Have you met in person with someone you chatted with over the Internet?	YES	NO
Have you received offers (for meeting in person, dating, marriage, travel, job, studying...) from people you met over the Internet?	YES	NO
If you answered Yes, please specify:		
Has someone of your friends received offers over the Internet?	YES	NO
Can human trafficker recruit people over the Internet?	YES	NO
If you answered Yes, please specify how:		
How could our society fight against trafficking in people recruited over the Internet?		

***NGO ASTRA thanks you for cooperation!***

## Appendix 3

### Transcript of Interviews with Internet Service Providers

#### ***1. Have you heard of the problem of human trafficking?***

1.\*Yes.

2. Yes.

3. Yes.

4. Yes.

5. Yes.

6. Yes.

7. Yes.

8. Yes.

#### ***2. To your knowledge, can the Internet be used as a means of recruitment of people for human trafficking?***

1. Yes, I even think it's the strongest medium for this kind of illegal activities.

2. Yes.

3. Yes.

4. As an assistive technical tool, it can certainly be used, the same as mobile phone, fixed phone, chat in the cafe or walking down the street. I can't point to any special role. At the moment, the Internet in our country is something that concerns very small percentage of people, 5-10%.

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\* Respondents are marked with numbers form 1 to 8.

5. Yes, it can.

6. Yes.

7. We don't have direct knowledge. It probably can. The Internet is the new electronic medium and hence, if something like that is possible through daily papers or periodicals (as was occasionally said in the media, under, for example, job ads and the like), it is possible that the Internet is even more convenient in that respect.

8. Yes.

### ***3. In which ways can people be recruited over the Internet?***

1. Through various advertisements. Also, as the operator of several channels at Undernet, I see chat as an ideal place for that.

2. Through suspicious job ads, meeting arrangements and the like, which are not checked up previously.

3. This probably concerns classical recruitment models as anywhere else, such as financial, emotional reasons or other (I think there are four basic motives for recruitment). I don't see anything changes in case of the Internet.

5. Well, I haven't dealt much with this type of Internet services, that is, I don't have time to chat. I know there is a lot of spam there above other things. These are unwanted Internet messages which come to your mail box. But I simply don't have time to participate in interactive communication on the Internet. Also, I don't take part in forums. I suppose that various problems can arise in these chat rooms... Then, there are some websites<sup>1</sup>, but again, it's all part of computer crime which some other segment of society should tackle. As a person in charge of registering domain names, I can only know where it could happen. But, society needs to build mechanisms to protect itself from such things.

6. Through advertisements, job offers, direct contact over e-mail or chatting through ICQ or similar programs.

7. We don't have direct knowledge about such activities so far, especially not through our system. Everything else would be pure guessing.

8. Job offers on the Net, chat with strangers.

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<sup>1</sup> The respondent thinks of web sites with illicit contents.

#### ***4. Are you familiar with domestic legislation which governs computer and Internet crime?***

1. Partially, but I think no much progress has been made in legislation when Internet crime is in question.
2. Domestic legislation has not moved far away from the paper. I don't know many cases that anything has been done in this respect, except that people are scared with stories of abuses over the Internet in the media.
3. Partially. As far as I know, the new Criminal Law came into force on January 1, 2006, and it governs computer crime, but human trafficking issues are governed by different provisions from those dealing with computer crime.
4. Yes, I am.
5. No, I'm not, I have to admit. So far, I've only had a couple of requests, sent by e-mail from the police to inform them who registered certain domain name. Then a whole other procedure starts, and who's prosecuted I really don't know. There must be mechanisms, but I don't know how it works.
6. No, I'm not.
7. Yes.
8. Yes.

#### ***5. What is required for registering a domain name by an individual or a legal entity?***

1. I don't know the whole procedure, but I come across various domains where you don't need to leave anything according to which it can be seen who is behind that website (given illiteracy when computers are in question, I see this as a huge problem).
2. For a co.yu domain, you have to be a registered legal entity. And one legal entity can register only one domain name.
3. For domestic domains, you need to have a registered company/organization. It is much easier to register an international domain, you don't need anything special for that.

4. This is the question of technical solution of www.nic.yu, that is, local TLD.yu register. You need a written request on a memo of the registered company and prepared DNS servers which host the domain. For "non-yu" domains, it is usually enough just to pay the fee and take a domain name which is not occupied.

5. Individuals cannot register domains at the moment, while legal entities have to submit a registration certificate and PIN. It's rather chaotic in our country; I've heard again that as of the New Year companies will have to reregister for I don't know what time. For this reason, we simply have many non-existent companies with registered domain names. And since we've been volunteering on this job for 14 years, there has not been enough capacities to check the registration of every domain name. Thus, we've been checking since the summer of 2002, I and another person permanently employed at the Office for Information Technologies and the Internet. The two of us serve the whole community. From then on, we've been checking registration certificates, as well, because it happened to me that I ended up in court completely innocent.

### ***And how do you check the registrations of companies?***

5. Companies have to send me documents before I register their domain. These documents should be scanned and packed into an e-mail, because my colleague and I, we don't exist for them, we are virtual<sup>2</sup>. We do that to shorten the procedure, because we don't have enough space to admit people. And then I compare the certificate I received with the name of the company which applies to register the domain name and if these two coincide, for me it's ok. If any abuse occurs tomorrow with regard to the use of that domain, I have the company which registered that name and can give company's data to the lawyer, and the lawyer of the damaged party then takes action.

### ***This means you are not responsible for contents of the web page...***

5. Yes. Registry can never be responsible for the contents. It would be as if the Registry of Economic Entities would be held responsible for criminal offence which some company committed. At my work, some names are entered in the database so that within these names some of Internet services could function. You can fully compare this with the registration of companies as economic entities at court or now in specialized register. For example, you can't sue Economic Registry because some third party did something wrong or got involved in a crime... You can observe it as entirely analogue. Because, this is one service which must work so that the Internet could work. In 99% of cases, names are used in a proper way. But, in every human activity you have people who want to abuse what is offered, you have thieves, you have stealing of intellectual property, you have stealing of names on the Internet... You have the offer of various things which I personally don't like, not only on domestic Internet, but across the world. And because of the very fact that the Internet is such a global body, it is hardly controllable system. A structure should be built at the level of all civilized countries in order to protect from these kinds of crime. Like the whole world is fighting against terrorism, it is the same, there are no state borders. Someone may register name here and be hosted in Japan or China or

<sup>2</sup> Registrations may be obtained only on line and companies cannot contact the Registry in person.

anywhere in the world. Secondly, the presentation doesn't need to be on the same place where the name is registered. Now, you need to have an infrastructure which will build "the paths" of cooperation. These are global phenomena. We, at the local level, have a database which contains information on who registered which domain name, where it is situated, where that domain name is hosted. The only thing I can rely on is legal entity which can be held responsible for what is going on under the name it registered. That's why individuals can't register domains.

6. Only a couple of documents which almost anyone can obtain or possess, and a couple of hundreds of dinars (a minimum of 2,000 dinars for opening a domain and hosting for one year) if local ISPs are in question. For foreign countries, I don't know.

7. Basically, you need basic data (data on the company/person, contact persons and similar).

8. Data on the owner (for international domain name), credit card and operative DNS (Domain Name Server)..

#### ***6. What is the difference in the registration procedure for yu and international domains?***

##### ***What is the procedure for registering international domain name with domestic ISP?***

1. I don't know.

2. For registering an international domain name, with 10 \$ anyone can register it.

3. For domestic domain name, you need considerable paperwork (e.g. company's registration certificate) and than the ISP does the rest. For renting an international domain, you only need to check whether that domain name already exists and pay the fee.

4. Explained above, the difference is that yu domain requires the examination of the legal entity, while individuals can't register yu domains (for now). For various international domains rules are different, while for .com, .net and .org, it's usually enough to have money.

##### ***But individuals can register those international domains which they pay for...***

5. Wherever you want, and the administrator of that international domain takes care about that. It will be soon possible here, too, once the company has been set up. We have the new rulebook, according to which individuals will be allowed to register names, but they'll have to be identified first. Thus, such individual will be available to authorities if he/she does unlawful things.

6. For registering a yu domain name, you need to be a legal entity, while registration of an international domain requires only some 10 US\$.

7. For yu domain, information on company's registration are required, this above all in order to apply the rule "one company-one domain name", which is currently in force here. For international domains, we apply the procedure valid internationally, that is, you need to give basic data only. Another important thing is that individuals can't register domestic domain name, but they can get international domains.

8. It's already been said for foreign, and for domestic domain names the procedure is as follows: (the rulebook on approving sub-domains within YU Internet domain).

### ***7. Can something be done in the area of Internet crime prevention (when human trafficking is concerned)?***

1. Much can be done with assistance of state institutions (the police), as well as with assistance of ISP (better cooperation of the whole chain in discovering persons who carry out unlawful activities).

2. Education on specific problems and abuse possibilities.

3. The most important is that people are familiar with dangers, especially teenagers, but also parents. Further, there are relevant departments in the police and the judiciary which deal with this problem, and as far as I know, they're rather successful.

4. The Internet is only one new medium which suffers the same illnesses as other media in the area of non-ITC crime (ITC crime is specific because it may be committed much quicker through the Internet, that is, it is possible to transfer piracy copies). Since people can't be transferred through the Internet, it seems that the focus of this question aims at the prevention in the use of the Internet as a technical tool for the purpose of human trafficking. In this regard, at the present level of development of the Internet, I don't think it's possible to improve the prevention of Internet crime in terms of human trafficking. Ask yourself the following question: can something be done with regard to the prevention of crime through the use of telephone lines, mail or chatting in cafes or on the street, and you'll come to similar conclusions.

5. I know nothing about that.

***You mentioned that laws should be harmonized at a broader level with regard to Internet crime...***

5. Of course.

***At the global level...***

5. Exactly. But you know what, the Internet appeared here in 1993, and its commercialization started in 1994. Before that, we didn't have such a phenomenon in our society. Now, law always follows what is going on in society. Law is always late, and it's up to legal specialists now. Look, at the moment we don't even have legal specialists who are familiar with the problem, they yet have to be educated for this kind of work. Then, we don't have police departments equipped or trained to be able to work on prevention, prosecution, suppression of this kind of crime. All of this is in an early stage. I honestly hope that we will have to build all these institutions which will deal with all these things now when we are getting closer to the European Union because they are ahead of us. They've started dealing with this ten years ago.

Look, these are very specific things, and they should be dealt with by specialized services.

6. Raising the level of awareness of the problem. The same as with campaigns which drew attention to suspicious ads in newspapers, it is necessary to acquaint public with the dangers of the Internet.

7. It's probably possible, but prevention mechanism is not in the hands of Internet Service Providers, but legislation and the police. At the moment, we work according to the existing rules, these questions and the idea of whole this survey imply that such problem exists, which is enough to conclude that something is wrong somewhere.

***8. What can you do if you observe some form of recruitment over the Internet? What mechanism do you have at your disposal?***

1. As an operator at the chat channel, the most I can do is to ban someone from the chat room, to notify the server operator about what happened and ask for certain IP to be banned at the global level (hoping that the user has static IP), at the whole Undernet network.

2. To report to competent authority; if you don't know who to refer to, you can always dial 911.

3. I haven't had such experiences, but B92, where I used to work, has very good cooperation with the police department in charge of computer crime, and all necessary data are sent to them immediately when suspicion of any criminal activity pertaining to ITC and Internet resources of B92 arises.



4. Standard mechanisms as in the case of reporting any other crime. The bigger issue is whether those who you would traditionally refer to are able to understand what are you talking about.

The Internet does not bind anyone to be on certain site, everyone is free to choose what he/she is going to watch or do on the Internet, or anywhere else, and if you get yourself recruited on that occasion, hardly can anyone help you in that.

6. n/a

7. We would certainly try to prevent our system to be used for such activities - what we have at disposal, for example, is to suspend the website, to suspend the account, to report the case to relevant authorities and similar.

8. To report to the police and to the ISP.

***9. A hypothetical example - if you are contacted by an anti-trafficking organization which has information that the recruitment for human trafficking was done over the website hosted or maintained by you, what information can you provide? How can you help in such a situation?***

1. I'll gladly help with any information I have (again, this is not much: time, IP address and a few technicalities).

2. You can certainly suspend the site on your host, help in possible investigation with information.

3. Well, they can have all available data - Internet addresses from which the access was made, ISP to whom these addresses belong in order to establish the identity, geographic location, with a little more effort the "pattern" of behavior could be followed, which may sometimes be more important than Internet address and the like.

4. This is a concrete question. Unfortunately, I don't maintain any website, but I used to, and all companies I work(ed) for maintain/host. There were cases of abuse (although not human trafficking), so I can answer to this. The answer is the same as with any other crime. What I want to say is that criminal activities should not be distinguished, because, from the point of view of providing information on the hosted site, there is no difference whether this concerns drug trafficking, stealing credit cards or human trafficking. It's a question of good will to provide information and it is possible to help interested organizations. However, an anti-trafficking organization is not an official authority (or it is?), and therefore, strictly complying with principles and instructions, I would probably refuse to reveal information (not because I don't wish to help trafficking or fight against trafficking), but for simple reason that it's on investigation authorities (the police, the judiciary), and not on organizations, to request information on criminal activities. It's a personal impression that seeking for information by third party (which is, for example, the anti-trafficking

organization) is wrong, because without investigating and court authorities that request cannot be accepted with desired weight. The organization may, in spite of best intentions, use such information in a wrong way, and the adequacy of the usage of data may be judged only by court and investigation run by persons empowered by the law.

6. n/a

7. We can give information on users only to competent authorities (the police, the court, etc), but someone else's request may be used to check the data and keep them longer than usually so that they could be forwarded to competent authorities if they ask for them.

8. We can fully help.

***10. If the police contact you with regard to the same case, do they need a warrant? Then, do the data the client left when opening the account or domain name or renting web space remain confidential?***

1. I think they don't need to have a warrant.

2. Relationship with the client is a business secret, except in case of the warrant by competent authorities (the police).

3. Well, for registering a domain name and renting a web space, you need to leave your contact address, and thus these data are not secret. I don't know if the police need a warrant, I think no under current legislation.

4. Yes, of course. Data obtained without a warrant do not have the same validity and weight in later judicial procedure. As I understand the law, withholding data would constitute the violation of law, the state keeps the monopoly of using force and pursuing power, there is no secret before the state and state authorities of cause, because it is against the law of the state itself.

5. Several times the police have asked for information who registered which domain name, because under that name, within that domain, some wrong things took place.

***Do you need to see the police warrant?***

5. No, it's public information. In all countries it's public information. And I don't need a warrant. In future, it will be possible to download such information from the Internet. We, again, don't have capacities. There are so called "who

is servers", where you can type a domain name and see who registered it (what company, what institution, its address...). I repeat, it's a public data, the same as any other data on one company which operate in any line of business in this territory. There is nothing to hide here. I only don't have resources to build it. Otherwise, it is public information anywhere, and tomorrow, as soon as the institution which would do this job were built, would be available to everybody. And when it happens, the police or public prosecutor (I don't know those decision-making structures very well) should have mechanisms in order to take temporary measures to ban the use of the domain. As soon as I got temporary measure from the court, from competent authority, I can suspend the domain. Most often the owners don't protest because they know they committed some offence. So far, I've had only one judgment. Litigation lasted for year and a half. I admire that judge because it was the first case of this kind. She did the whole thing very professionally and I'm satisfied with how it went, the only objection was that it lasted for one year because the defendant failed to appear in court. But, the woman made an enforceable judgment, the only one, in 14 years of my professional work.

6. n/a

7. They need to request data in prescribed manner (it's not enough that someone calls and says that they are from the police, written communication is necessary). In that case, we are obliged to give all requested data.

8. There is no need for a warrant, because the collection may be classified as "the collection of data in investigation by a citizen or the representative of legal entity". These subjects are only obliged to report to the police information they got. It's not secret; these are public data like any other data pertaining to ownership right or the right of use.

### ***11. How, if at all, can a computer from which a message was sent or chat room accessed be tracked down?***

1. Yes, it can be tracked down in the majority of cases. With slight changes in account opening practice, not only any computer, but any user could be tracked down with certainty.

Through the digitalization of Telekom (leaving the entire identification when dial-up is concerned).

Through the prohibition of opening account without valid documents (ID, passport or other identification document).

Through obligatory leaving personal data when Internet access at Internet cafes is in question.

2. It mainly can be tracked down by following user's IP address.

3. To certain extent. If the person we are looking for is familiar with the matter, he/she may make tracking rather impossible. There are various methods which serve for masking up traces which, in combination of coding and procession possibilities of modern computers, make their discovering very difficult.

4. It depends on the case. You need some medium to access the Internet, telephone number for example, and it is well known that not all numbers leave full identification, not because it is hidden, but because of old switchboards. Also, the Internet may be accessed in many ways, even by abusing access to the computer which you don't access physically. Basically, someone who knows the matter and who wants to hide cannot be tracked down. This is not the problem of the Internet.

Ask if mobile operators know who owns a prepaid number bought on the black market. Of course not. If you can access the Internet from that number through gprs, how can you be tracked down? It's not any different with telephone lines, anyone can get connected in home separation box (it's usually poorly secured, as well as nearby cables) and made the call; or telephone booths. The computer is tracked down by identifying the medium used for access. Hence, sometimes yes, sometimes no. If you add the possibility of stealing a telephone to this, or account for Internet access, or even places where you can access the Internet anonymously, things are becoming more complicated, and ISP can only say who accessed from what number and this only if that information is provided by lower telecommunication levels (telecom operators). It is similar with cable Internet or wifi, you can't be certain who accessed, even when you get the data.

6. I think it's very difficult to track down the computer from which the message was sent, especially if the perpetrator does not want to be found.

7. It depends on the skill of person sending the message and cooperation with other systems which are in the chain of delivery of such a message. In principle, it is always possible to find out from what system the message got in to our system, which is sometimes enough, but more often it is just a tiny, initial portion of information on the way to discovering the one who really sent the message. The situation is somewhat different with chat, because the ISP has no trace on this communication - data from the chat server itself are necessary.

8. Yes, it can be tracked down.

## ***12. Have you had such cases in practice? If yes, how did you act, who did you cooperate with?***

1. Yes. Unfortunately, I haven't cooperated with anyone who would take it a bit seriously, I contacted the ISP (it was a local ISP) who told me that such things should be reported to the police. I forwarded all data visible to me. Although I think ISPs should react in such cases with data they have, without waiting to be officially requested, because it would speed up the procedure.

2. We didn't have such cases.

3. No. There were cases of computer crime on B92 when the police was contacted, but there were no trafficking cases.
4. There were cases, we did everything to help, as much as registered data allow, we cooperated with state authorities.
6. No.
7. We had contacts with the police several times, but, to our knowledge, this didn't involve human trafficking, but other forms of Internet and e-mail abuse.
8. Yes, with the police.

### ***13. Your recommendations for more efficient fight against this form of crime***

1. Better organization of ISPs.

Establishing a special department within the MoI which would investigate Internet crime.

The possibility of opening accounts anonymously should be prohibited immediately, at least with domestic ISPs.

Proposal: to make a group which would chat with certain profile (which would be designed by psychologists), people skilled with the Internet who would collect information and cooperate with the police aimed at protecting Internet users. What is the most important is education, campaigns, raising users' awareness of the problem, informing them who to contact if they observe something like that.

2. Competent authorities which may be contacted in given cases should be publicly identified. And once again, education of users.

3. As much raising dust in public as possible. It is important that Internet users, especially the youngest, be informed about the risks and what they could do in that respect.

4. To focus on money flows, financial control, the control of consumption, not on communications, communication is anyhow impossible to be supervised and controlled, especially the Internet, because of variety.

5. Whole society should be motivated here in some way. I hope that in next ten years, as we associate with the European Union, they will fix us up so that some services must function in the way they function there. When we come there, it will be something. And their services will progress even more in the meantime.

There is no other possibility than to enact well-functioning laws. If they function well and if they don't jeopardize anyone. This is the smartest thing, especially in a country like this. Those people spent plenty of time to get there. You know how difficult it is with lawyers, we drew up a rule book on approving domain names some 3-4 years ago. Working group, three months. . . I thought I would die until they comprehended what this was all about. And in the end, that rule book didn't turn out badly, but it was so exhaustive. One person cannot solve such things. The process should involve some social structure and all should work toward the same goal. We, as a technical support, we are at the lowest level. It's on us to listen to what someone up is saying. . . . court for example.

This concerns Internet providers, such things may occur on their machines, because they have chat rooms and web-sites, I keep no data here. The only thing I've got here is a name. Like yours, for example, *astra.org.yu*, only that name is registered with me. Now, that name is physically located on the computers of some ISP. The ISP offers you space on the disk and allows you to write on that space whatever you want. Because now your organization is responsible for what is written under your name. But, the ISP, if they get warning that something irregular takes place on their equipment, has to prevent the use of it (it's my opinion, and it has to consult the lawyer, take this with reservation, I am only an electrical engineer). Because there are some common things, if this and that is violated and if you know that it can be violated, you must try to prevent it, it is your civic duty.

Anyway, you can't escape the lawyer. We see that something's wrong, but we are not able to judge. These proceedings or those court measures should be more efficient to be able to finish things in a couple of days and that all of us who are involuntary actors in the whole things know how to act. I, for example, got messages such as that unlawful contents are placed on that and that site. I can warn the owner of the site (I do it for academic network - the owner is some of faculties) that for example movies, divx, music or software are put there and the administrator than shall disconnect such a computer from the network. But this is on faculties, where the one using faculty's resources is obliged to "shut up" and observe the rules, and if he doesn't observe the rules, he can't get the service. We in academic network didn't have problems with crime. Everything goes maximally to the placing of contents you don't have right to place there. Practically, copyright violation. And we solve this by disconnecting the computer from the network.

**6.** The building of adequate legal grounds could be an initial step, but I think it can't guarantee the improvement of the situation. Only education can essentially help.

**7.** Suggestions from our field of work are the education of competent authorities in the area of Internet technologies so that they would know first what is technically possible and second to react promptly.

**8.** More strict punishments, more efficient procedures, combating corruption.

#### **14. What is in your opinion necessary to change in the Criminal Code with regard to this matter?**

1. Draconic penalties for any attempt of illegal behavior for any crime, including Internet crime.
2. Keeping track with developments, which is not the case here.
3. Well, as far as I know, much has been done lately. I don't know details, probably more could be done. But, more important is application in practice...
4. Technical limitations don't allow any complex control to apply. However, the law for now does not provide for mandatory period of storing registered data, and when attempts would be made to implement it (the example of Europe), it would be very difficult to apply. However, this provision would help to know what is legal and what is not, that is, what is suggested and realistic period of storing data in the area of telecommunications.
6. I'm not familiar with current legislation...
7. Since we are not legal specialists, but technical support, it is clear that people dealing with computer and Internet crime, we may conclude that theoretical knowledge of the issue is not sufficient, but what is needed is solid knowledge of technical aspects. This includes their education and then the possibility to be "louder" in public and to have more authority at the moment of creating legislation. Such headlines sometimes appear, above all in professional journals, but too little in media perceived by wider community.
8. The law is good, but it should be enforced, the police, investigating and judicial authorities should be educated to implement it and enforce it.

#### **15. Comments**

***(if something has been omitted in questions which in your opinion would be important to know).***

1. The Internet as an instrument for recruiting victims is in my opinion very powerful. Reasons are numerous: ignorance of how the system works, inefficiency of services in charge of control of the contents of web space, the lack of population's education at a global level, failure of the justice system for the reasons of not adopting laws which would at least partially get on the way of this phenomenon, as well as the failure to implement laws which are in force. Too many mistakes make the Internet a powerful means for releasing bad contents, recruitment and embezzlements.

4. The Internet as a new technical tool for communication provides new forms of communication, exchange of information which is very quick. Abuse possibilities are there, but not beyond the reach of existing/previous communication means. The freedom of communications is a freedom guaranteed by UN charters and the most general communication is not the kind of communication which is illegal.

***And who do you receive such information from? (about illegal developments on the Internet)***

5. Well, you know, in the world there are so called detectives or spies, call them however you want, paid by companies. Companies have copyrights and they consider their copyrights threatened. They pay other companies to browse the Internet and watch for illicit contents. Every network has its administrator and knows what computer belongs to what legal entity. And that legal entity is obliged to prevent such abuse. The problem is with "wild" communities, with unregulated societies. Because you can't fight against everything in Nigeria or Taiwan or in some country which doesn't have it regulated like our country. You should buy a service from a known ISP who would protect you from spam, from illicit actions... which are more nuisances than Internet crime. And you pay a certain amount of money to be protected. This is, for example, when, as an individual, I am buying something. And you as an institution can only connect with similar institutions and see what to do in that case. Be aware that nothing is defined in advance, for every single thing we have to fight from the beginning, from zero. There is no state any more or anyone else who would regulate things for you. We had the state until the 1980s, until Tito died. Everything collapsed after that, slowly until we got here. Now we are out of that strictly controlled framework where the state had its fingers everywhere, now we have to self-organize, to take care about things which "pinch" us in many ways. And that's why it's called civil society and that's what NGOs are set up for, to raise society's awareness so that the society becomes able to survive.

6. For me, one of the best characteristics of the Internet is that very possibility that anyone can put on whatever interests them or to show the world what they know. For this reason, the Internet grew to such dimensions that you can find almost everything there: music, texts, encyclopedias, information, news, etc. Therefore, any legal constraint could ruin this quality. What is bad will remain bad in any form... For example, bad language could be eliminated in forums through a program which replaces or erases all bad words contained in its database. What it takes is only to have a database large enough to cover everything. However, you can always invent some forms (omitting a letter, misspelling, entering special characters such as \* and the like) which all would understand and the censorship program would not recognize them.





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