

# Yes, I am

Prvi stručni časopis u Srbiji za prevenciju seksualnog nasilja / The First Professional Journal in Serbia on Sexual Assault Prevention  
Broj 1, avgust 2012 / Issue 1, August 2012 / Časopis izlazi tromesečno / Journal will be out quarterly



## „YES I AM“ ZATO ŠTO:

- ★ DA, JA JESAM VREDNA OSOBA.
- ★ DA, JA JESAM OSOBA VREDNA POŠTOVANJA.
- ★ DA, JA JESAM PREŽIVELA SEKSUALNO NASILJE.
- ★ DA, JA IMAM PRAVO NA IZBOR STRUČNJAKINJE / STRUČNJAKA S KOJIM ĆU RADITI NA OPORAVKU.
- ★ DA, JA AKTIVNO RADIM NA TOME DA ŠTO VIŠE GRAĐANKI I GRAĐANA, DECE I O DRASLIH, NAUČE O SEKSUALNOJ TRAUMI.
- ★ DA, JA UPRAVLJAM SVOJIM OPORAVKOM.

Dragi moji mali i pametni ljudi,

Želim da vam kažem koliko život može da bude lep. Naravno, svima se dogode i neke ružne stvari, zbog kojih budemo tužni, usamljeni ili ljuti, ali, sve loše u životu prođe. Probudimo se jednog jutra, pogledamo se u ogledalu, udahnemo život punim plućima, i kažemo sebi: ja ću biti dobro! I budemo dobro, jer život pruža toliko mogućnosti, toliko dobrote i osmeha, da samo treba pružiti ruku i uhvatiti sreću!

Znam da ste vi pametni mladi ljudi, puni ljubavi, oni koji čine svet u kome žive boljim i lepšim mestom, i koji sanjaju velike sne! Znam da verujete u sebe i da ćete raditi na svojim talentima koji vas čine tako jedinstvenim i posebnim. Morate se uvek boriti, to nikada ne zaboravite. A kad vam je najteže, znajte da niste sami. Potrebno je samo da zaronite u svoje srce i dušu i pronađete ono specijalno mesto, koje nas greje, bodri i čuva, i zbog kojeg znamo da će sve biti u redu. I zato, osmeh na lice, pamet u glavu i napred, hrabro u život, jer vas čeka otvorenih ruku!

Aleksandra Kovač  
Kompozitorka i pevačica, dobitnica MTV nagrade



My dear small and smart people,

I want to tell you how beautiful life can be. Of course, we all experience some ugly things, which make us sad, lonely or angry. However, all bad events in life come to an end. We wake up one morning, look at our reflection in the mirror, breathe in life to the full and say to ourselves: I am going to be fine! And this is what happens, because life has some much to offer, so much goodness and so many smiles, all you have to do is reach out and capture happiness!

I know that you are smart and loving young people, those who make the world we live in a better and more beautiful place, who have great dreams! I know that you believe in yourselves and that you will develop your talents that make you so unique and so special.

You must always fight, never forget that. And when you feel miserable, remember that you are not alone. All you need to do is look deep into your heart and soul and find that special place that keeps us warm, comforts and protects us, reassuring us that everything will be all right. Therefore, brighten your face with a smile, be smart and immerse yourselves bravely into life, because it is waiting for you with wide open arms!

Aleksandra Kovač,  
Composer and singer, MTV Award Winner

## “YES I AM” BECAUSE:

- ★ YES, I AM A VALUABLE PERSON.
- ★ YES, I DESERVE TO BE RESPECTED.
- ★ YES, I AM SEXUAL ASSAULT SURVIVOR.
- ★ YES, I HAVE THE RIGHT TO CHOOSE THE HELPER TO WORK WITH IN MY HEALING PROCESS TOWARDS RECOVERY.
- ★ YES, I AM TRYING TO INVOLVE AS MANY CITIZENS AS POSSIBLE, BOTH CHILDREN AND ADULTS, IN LEARNING ABOUT SEXUAL TRAUMA.
- ★ YES, I AM IN CHARGE OF MY OWN HEALING PROCESS.

Za YES I AM pišu: Regina Jensdóttir, Tamara Lukšić - Orlandić, Slobodan Savić, Vesna Brzev - Ćurčić, ASTRA

They will be writing for YES I AM: Regina Jensdóttir, Tamara Lukšić - Orlandić, Slobodan Savić, Vesna Brzev - Ćurčić, ASTRA

Incest Trauma Centar – Beograd je imenovan za zvaničnog nosioca kampanje Saveta Evrope za Republiku Srbiju, koja nosi naziv "1 Od 5".

The Incest Trauma Center – Belgrade has been designated as the official partner in The Council Of Europe Campaign for the Republic Of Serbia, entitled "1 In 5".

KIKO IS ALSO IN SERBIA! [www.kikopravila.org](http://www.kikopravila.org)

KIKO JE I U SRBIJI! [www.kikopravila.org](http://www.kikopravila.org)



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Izdavač: Incest Trauma Centar - Beograd  
Redakcija: Incest Trauma Centar - Beograd  
Glavna i odgovorna urednica: Dušica Popadić, direktorka

Naziv originala: YES I AM Prvi stručni časopis  
u Srbiji za prevenciju seksualnog nasilja

Broj 1, avgust 2012.

Dizajn i prelom: Svetlana Pavlović

Korektura: Stanislava Lazarević

*Sva prava zadržava izdavač. Za svako korišćenje, umnožavanje i  
stavljanje u promet dela teksta ili teksta u celini potrebna  
je saglasnost Incest Trauma Centra – Beograd.*

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Publisher : Incest Trauma Center - Belgrade  
Editorial staff : Incest Trauma Center - Belgrade  
Editor: Dušica Popadić, director

Original title: YES I AM The First Professional Journal  
in Serbia on Sexual Assault Prevention

Issue 1, August 2012

Design and layout: Svetlana Pavlović

Editing: Stanislava Lazarević

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**INCEST TRAUMA CENTAR – BEOGRAD JE IMENOVAN ZA ZVANIČNOG NOSIOCA KAMPANJE SAVETA EVROPE ZA REPUBLIKU SRBIJU, koja nosi naziv “1 OD 5”.** Reč je o potpisanom Sporazumu između Saveta Evrope u Strazburu i Incest Trauma Centra - Beograd koji se tiče našeg vođenja Kampanje Saveta Evrope protiv seksualnog zlostavljanja dece, zasnovane na Lanzarot Konvenciji. Naziv Kampanje, “1 od 5” (“JEDNO OD PETORO”), dat je u skladu sa zvaničnim podatkom Saveta Evrope da je jedno od petoro dece u Evropi preživelo seksualno nasilje. Incest Trauma Centar – Beograd, nevladina specijalizovana služba za društveni problem seksualnog nasilja sa 18 godina iskustva u radu – najstarija ove vrste u Srbiji - imenovan je za zvaničnog nosioca u punom trajanju Kampanje, ZAKLJUČNO SA 2014. GODINOM.

Kampanja “1 od 5” ima svoje tri dimenzije: a) podizanje svesti javnosti o temi seksualnog nasilja nad decom b) uticaj na zakonodavstvo i obrazovanje i c) parlamentarna dimenzija. Zadatak Incest Trauma Centra - Beograd je razvijanje svih triju dimenzija - zajedno sa izabranim saradničkim ustanovama/organizacijama i izabranim pojedincima - kao i koordinacija svih dimenzija (te i inicijativa aktera, unutar svake).



**Pismo preporuke**

Strazbur, 20. februara 2012.

POŠTOVANI,

Godine 2010, Savet Evrope je otpočeo kampanju JEDNA/JEDAN od PETORO protiv seksualnog nasilja nad decom.

Kampanja ima dva prevashodna cilja: da podstakne dalje potpisivanje, ratifikaciju i implementaciju Konvencije Saveta Evrope o zaštiti dece od seksualne eksploatacije i seksualnog zlostavljanja (Lanzarot konvencije), kao i da deci, njihovim porodicama/starateljima i društvima u celini pruži znanje i mehanizme za sprečavanje i prijavljivanje seksualnog nasilja nad decom.

Radi postizanja ovih ciljeva, Savet Evrope je pozvao različite društvene aktere iz svih 47 zemalja članica, kao što su ministarstva, parlamentarci, nevladine organizacije, javne ličnosti i pojedinci, omladinske i dečije organizacije, akademska i naučna, kao i šira javnost, da učestvuju u ovoj kampanji.

Incest Trauma Centar je bio i jeste izuzetno aktivan u organizovanju i sprovođenju nacionalne kampanje podizanja svesti o seksualnom nasilju nad decom u Srbiji. U bliskoj saradnji sa Svetom Evrope, ova organizacija trenutno priprema materijal za podizanje svesti za kampanju JEDNA/JEDAN od PETORO na srpskom jeziku.

Svaki vid podrške koju ste u mogućnosti da pružite Incest Trauma Centru predstavljao bi i za Vas pravu priliku da aktivno doprinesete ostvarivanju ciljeva ove kampanje.

*Regina Jensdóttir*  
Direktorka Uprave za dečija prava  
Program „Izgradnja Evrope za i sa decom“

**THE INCEST TRAUMA CENTER – BELGRADE HAS BEEN DESIGNATED AS THE OFFICIAL PARTNER IN THE COUNCIL OF EUROPE CAMPAIGN FOR THE REPUBLIC OF SERBIA, ENTITLED “1 IN 5”.** It is relative to the agreement signed between the Council of Europe in Strasbourg and the Incest Trauma Center – Belgrade, concerning our pursuit of the Council of Europe Campaign against child sexual assault, based on the Lanzarote Convention. The name of the Campaign, “1 IN 5” (“ONE IN FIVE”) was chosen in accordance with the official data of the Council of Europe that one out of five children in Europe has experienced sexual violence. The Incest Trauma Center – Beograd, a non-government specialized service for the social problem of sexual violence, with 18 years of experience in this field – the oldest of this kind in Serbia – has been designated as the official partner throughout the campaign, which will last UNTIL THE END OF 2014.

The Campaign “1 in 5” has three dimensions: a) awareness-raising of the public regarding the issue of sexual violence against children b) exerting an influence in the legislative and educational sphere and c) a parliamentary dimension. It is the task of the Incest Trauma Center – Belgrade to develop these three dimensions – together with allied institutions/organizations and selected individuals – and to coordinate all of them (as well as the initiative of actors within each).



**Recommendation Letter**

Strasbourg, February 20th, 2012

In 2010, the Council of Europe launched the ONE in FIVE Campaign to stop sexual violence against children.

The campaign has two main goals: to achieve further signature, ratification and implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), and to equip children, their families/carers and societies at large with the knowledge and tools to prevent and report sexual violence against children.

To achieve these targets, the Council of Europe has invited various stakeholders in the 47 member states such as ministries, parliamentarians, NGOs, public and private partners, organisations of youth and children, academia and the public at large to take part in the campaign.

The “Incest Trauma Centar” has been very active in setting up and implementing a national campaign to raise awareness of sexual violence against children in Serbia. In close co-operation with the Council of Europe, the organisation is currently preparing ONE in FIVE campaign awareness-raising material in Serbian.

Any support you can provide to the “Incest Trauma Centar” would be a perfect opportunity for you to become active contributors to the goals of the campaign.

*Regina Jensdóttir*  
Head of the Children’s Rights Division  
Programme “Building a Europe for and with Children”

## Država Srbija je realizovala

**Dugogodišnju nacionalnu kampanju podizanja svesti javnosti o nasilju nad decom koja se obratila svakoj građanki i građaninu**

Ugledala se na respektabilnu kampanju Nacionalne asocijacije za prevenciju okrutnosti prema deci (National Association For The Prevention Of Cruelty To Children (NSPCC), UK).



Sarina soba ... I ponekad i tatina

- Seksualni delikt po zakonu ne zastareva.
- Sankcioniše svakoga ko je izvršio nasilje nad detetom bez obzira na njegov društveni položaj, ugled i lična svojstva.
- Stalno edukuje građane o zakonskoj obavezi prijavljivanja krivičnih dela iz oblasti nasilja nad decom.
- Ustanovila je besplatan nacionalni krizni broj telefona 0800 – za prijavljivanje nasilja nad detetom.
- Sprovela je nacionalnu studiju. Znamo koliko je nasilje nad decom rasprostranjeni društveni problem. Znamo „sivu brojku“. Saznali smo da se Srbija ne razlikuje od Evrope u tome što je jedno od petoro dece seksualno zlostavljano.

## The State of Serbia has accomplished

**A years-long national public awareness raising campaign on violence against children addressing every single citizen**

This was done after the model of the respectable campaign conducted by the National Society For The Prevention Of Cruelty To Children (NSPCC), UK.



Okrutnost prema deci mora prestati. Tačka. NSPCC.



- Under the law, sex offence does not fall under the statute of limitations.
- Every child abuse offender is sanctioned regardless of their social standing, reputation and personal characteristics.
- Permanently educates citizens about the legal obligation of reporting criminal offences pertaining to the sphere of violence against children.
- Has set up a crisis hotline for reporting child abuse, on the national level and free of charge, 0800 –
- Has conducted a national study. We know how widespread a social problem violence against children is. We are aware of the “grey numbers”. We have found out that Serbia does not differ from Europe in that one out of five children has been sexually abused.
- Has representative statistical data on violence against children. Each school, social welfare center, health center and other institutions have their organized and coordinated records.

- Ima reprezentativne statističke podatke o nasilju nad decom. Svaka škola, centar za socijalni rad, dom zdravlja i druge ustanove imaju svoju organizovanu i koordinisanu evidenciju.
- Ustanovila je bazu dnk-a izvršilaca seksualnog nasilja nad decom.
- Ustanovila je centralnu bazu podataka osoba koje su prijavljivane zbog sumnje ili saznanja da su zlostavljale dete, bile optužene ili osuđene. Konsultuje bazu pri zapošljavanju u profesijama za rad sa decom.
- Koristi matrice procene rizika da li građani baš uvek usvajaju decu ili uzimaju na hraniteljstvo iz humanih razloga.
- Uvela je politiku za zaštitu dece u sve ustanove gde se deca obraćaju ili borave. Dete je zaštićeno ako je zaposleni pomagač nasilan prema njemu.
- Uvedena je tema nasilja nad decom i ženama u školski nastavni plan i program i relevantne udžbenike.

Od vrtića do fakulteta, iz udžbenika se uči o

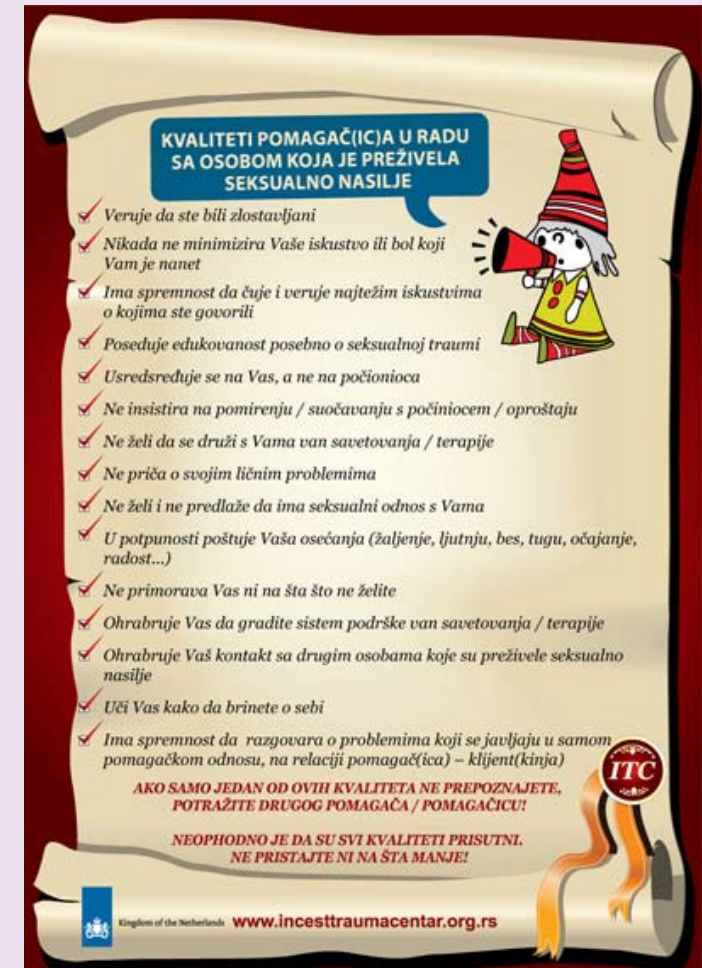


- Has established a dna base of child sexual assault offenders.
- Has set up a central database of persons who have been reported because of suspicion or knowledge that they have abused a child, have been indicted or sanctioned. The database is consulted when employing individuals in professions which involve working with children.
- Uses risk assessment matrixes to check whether the citizens' motives for adoption or foster care are invariably humanitarian.
- Has introduced a child protection policy in all the institutions where children report or abide. The child is protected should a helper they employ is abusive.
- The topic of violence against children and women has been introduced in the national school syllabi and curricula and into the relevant textbooks.

From daycare to university, we learn from the textbooks about



Medijske kuće poštuju dostojanstvo i privatnost preživelih.  
Media houses respect the survivors' dignity and privacy.



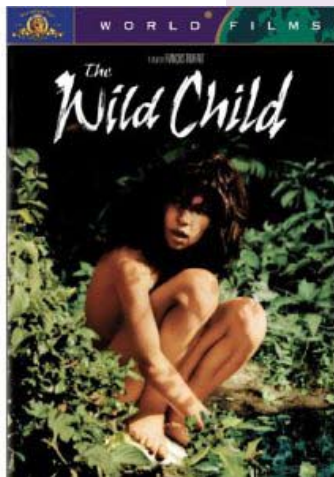
Osoba koja je preživela nasilje je cela osoba. Tačka.  
A survivor is a whole person. Full stop.

**Sindrom pretučenog deteta** (battered child syndrome) je termin koji je u upotrebi od 1962. godine. Označava zbir povreda koje su zabeležene kod deteta. Uzrokovane su ponovljenim zlostavljanjem ili prebijanjem izvršenim od strane odrasle osobe-staratelja.

**Battered child syndrome** is a term that has been used since 1962. It denotes the aggregate of injuries that have been recorded with a child. These have been caused by repeated abuse or battering by an adult person - caretaker.

### Wild child (Divlje dete)

Suzan Vajli, (rođ. 18. aprila 1957.), kćerka Karka i Irene, poznati slučaj "divljeg deteta" nazvan "Džini". Rasla je u svirepim uslovima do svoje 13-e godine. Držali su je izolovanu u jednoj od spavaćih soba, noću vezanu za krevet žičanom mrežom a danju za nošu. Kad je slučaj otkriven, nije mogla da hoda, nije umela da govori, nije umela da žvače hranu, imala je neprimereno seksualno ponašanje. Pet godina potom, bila je predmet istraživačkog rada naučnika.



### Wild child

Suzan Wiley, (born on April 18, 1957), daughter of Clark and Irene, the infamous case of a "wild child" called "genie". She grew up in cruel conditions until she was 13 years of age. She was held penned her up at night in one of the bedrooms, tied to the bed with a wire net, and tied to a potty-chair during the day. When the case was revealed, she was not able to walk, speak or chew food and she displayed inappropriate sexual behavior. In coming five years, she became the object of scientific research.

### Shaken baby syndrome (sindrom trešenja beba)

Nekada su roditelji ljuti na svoju bebu što plače. Viču i tresu je da bi ućutala. A ne znaju da tada mozak udara u lobanju i može da dođe do unutrašnjeg krvarenja, oštećenja i, veoma često, smrti.

### Shaken baby syndrome

Parents are sometimes angry at their baby because she/he is crying. They shout and shake them. But they do not know that then the brain knocks against the skull, which can cause internal bleeding, damage, and quite frequently, death.

The image shows two posters side-by-side. The left poster asks 'Do you know what happens when you shake a baby?' and features a large question mark. The right poster asks 'This happens.' and features a large icon of a person with a brain injury. Below these are three hands holding the posters, showing the transition from the question mark to the brain injury icon. The posters include the text 'Cruelty to children must stop. FULL STOP. NSPCC'.

**Znate li šta se dogodi kada tresete bebu?  
Ovo se dogodi.  
Okrutnost prema deci mora prestati. Tačka. NSPCC.**

### Pedofilija na internetu

U međunarodnoj operaciji, koju vodi FBI 2011. godine, razmena dečje pornografije odvijala se preko mreže "drimbord". Ako je član postavljao više snimaka ili pak sam silovao i zlostavljao decu, sticao bi mogućnost da vidi i kupi više dečje pornografije. Prema navodima optužnice koja citira pravila "drimborda", razlikuju se "obični članovi" i super "vip članovi". U ovom lancu pedofilije učestvovali su i državljani Srbije i njih petoro je privedeno.

### Pedophilia on the internet

In the international operation conducted by FBI in 2011, the exchange of child pornography was being carried out through the network "dreamboard". If a member uploaded more videos or else personally raped and abused children, he was entitled to see and buy more child pornography. According to the indictment, where the rules of "dreamboard" were cited, a distinction between "ordinary members" and super "vip members" was made. Some citizens of Serbia were also part of this chain, five of whom were detained.

## Promoviše i štiti uzore

### Oprah Winfrey

Najmoćnija žena na svetu prema Forbsovoj listi.  
Zalaže se za ljudska prava afroamerikanaca.  
Preživela seksualno nasilje u detinjstvu i o tome javno govori.  
Lično nagrađuje sa 100.000 američkih dolara svaku informaciju koja pouzdano dovede do hapšenja izvršilaca seksualnog nasilja nad decom.



## Promoting and protecting model figures

### Oprah Winfrey

The most powerful woman according to Forbes lists.  
Advocates for human rights of afro-americans.  
Survived sexual abuse in her childhood and speaks publicly about it.  
Personally grants an award of 100,000 US dollars for each piece of information that reliably leads to the arrest of child sexual abuse offenders.

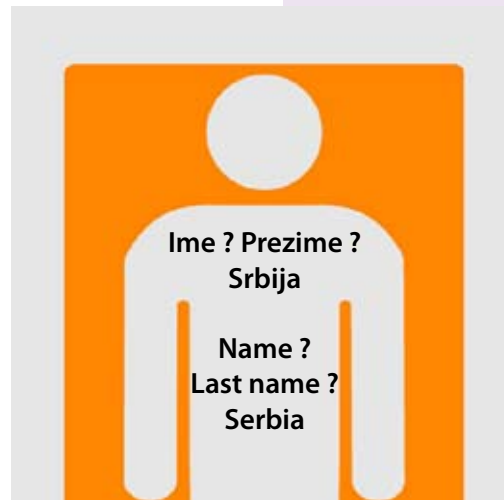
### Melissa Etheridge, rock muzičarka

Preživela karcinom dojke i o tome javno govori.  
Sa svojom partnerkom, odgaja dvoje dece Bailey i Becket.  
Preživela seksualno nasilje u detinjstvu i o tome javno govori.  
Dobitnica dve muzičke „Gremi“ nagrade i nagrade „Oskar“ američke filmske akademije za najbolju originalnu pesmu.



### Melissa Etheridge, Rock musician

Survived breast cancer and speaks publicly about that.  
With her female partner, raises two children: Bailey and Becket.  
Survived sexual abuse in her childhood and speaks publicly about it.  
Recipient of two “Grammy” awards and of an “Oscar” American Film Academy Award for the best original song.



**Sve što je gore napisano 2012. godine u Srbiji ne postoji.**

*Vizija naše budućnosti – znanjem protiv nasilja nad decom.*

**Everything written above doesn't exist in Serbia in 2012.**

*The Incest Trauma Center – Belgrade vision of our future – combating violence against children with knowledge.*



[www.coe.int/children](http://www.coe.int/children)

[www.coe.int/oneinfive](http://www.coe.int/oneinfive)

[www.underwearrule.org](http://www.underwearrule.org)

[www.kikopravila.org](http://www.kikopravila.org)

©Conseil de l'Europe - Illustration: Punga



*Tamara Lukšić – Orlandić, zamenica Zaštitnika građana za prava deteta*

Komitet eksperata Saveta Evrope započeo je 2005. godine izradu Konvencije o zaštiti dece od seksualnog iskorišćavanja i seksualnog zlostavljanja, a oktobra 2007. u Lanzarotu (Španija) upriličeno je svečano potpisivanje ove konvencije koja predstavlja prvi međunarodni instrument koji se odnosi na sve oblike seksualnog nasilja prema deci. Konvencija je stupila na snagu 1. jula 2010. godine, a Srbija je jedna od 19 zemalja koja je ratifikovanjem Konvencije maja iste godine, postala zemlja ugovornica i time preuzela veoma jasne obaveze u njenoj primeni i sveobuhvatnoj zaštiti dece od svih oblika seksualne eksploatacije dece.

Prema slovu Konvencije, seksualnom eksploatacijom i seksualnim iskorišćavanjem se smatraju sledeća krivična dela: 1) seksualno zlostavljanje, odnosno stupanje u seksualne odnose sa detetom koje nije navršilo pravni uzrast u kome su seksualne aktivnosti dopuštene (kod nas 14 godina), i to primenom sile i prinude, zloupotrebom poverenja ili autoriteta u odnosu na dete, korišćenjem posebne ranjivosti deteta (fizička ili psihička ometenost deteta) 2) krivična dela u vezi sa dečjom prostitucijom, i to: angažovanje ili primoravanje deteta na prostituciju ili korišćenje usluga dečje prostitucije; 3) krivična dela u vezi sa dečjom pornografijom, i to: proizvodnja, nuđenje distribuiranje ili prenos, ako i posedovanje dečje pornografije; 4) učešće deteta u pornografskim predstavama, ili prisustvovanje pornografskim predstavama sa decom; 5) primoravanje deteta da učestvuje kao svedok seksualnog zlostavljanja; 6) nagovaranje dece na neke od ovih usluga primenom informacionih tehnologija (grooming).

Polazeći od toga da svi oblici seksualnog zlostavljanja dece predstavljaju bolno i traumatično iskustvo sa posledicama destruktivnim po zdravlje i psihosocijalni razvoj i da žrtva, po pravilu, pati u tišini, Konvencija svoju sveobuhvatnost zasniva na sledeća četiri stuba :

- preventivnoj zaštiti od nasilja (prevention)
- zaštiti deteta žrtve (protection)
- krivičnom gonjenju počinioca (prosecution)
- učešću dece (participation)

A na šta to Lanzarot konvencija obavezuje?

1. Da počemo od onoga što najmanje košta, ali zahteva dobru organizaciju i nadasve, odgovorno ponašanje nadležnih, a to je PREVENCIJA. Konvencija konkretno zahteva sledeće: da profesionalci u svim sektorima koji rade sa decom – u obrazovanju, zdravstvu, socijalnoj zaštiti, pravosuđu, policiji, ali i u sportskim klubovima, institucijama kulture i zabave i sl. imaju odgovarajuća znanja o seksualnom iskorišćavanju i zlostavljanju dece, a posebno da nisu nikada bili osuđeni za ovu vrstu krivičnih dela počinjenih prema deci. Nadalje, prevencija podrazumeva i potrebu informisanja dece i u osnovnim i u srednjim školama o opasnostima od seksualnog iskorišćavanja dece, sredstvima i načinima zaštite.



*Tamara Lukšić – Orlandić, Deputy Ombudsman for the Rights of the Child*

The Council of Europe Expert Committee began drafting The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2005, and The Convention, which is the first international instrument concerning all forms of sexual violence against children, was opened for signature in Lanzarote (Spain), in October 2007. The Convention came into force on 1st July 2010, and Serbia is one of the 19 countries that, having ratified the Convention in May that year, became a signatory country and thus undertook very clear obligations in its implementation and comprehensive protection of children from all forms of sexual exploitation of children.

According to the provisions of Convention, the following criminal acts are defined as sexual exploitation and sexual abuse: 1) sexual abuse, engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities (14 years of age according to our national legislature), where use is made of coercion, force or threats, or abuse is made of a recognized position of trust or authority, or abuse is made of a particularly vulnerable situation of the child (because of a mental or physical disability); 2) criminal offences concerning child prostitution, such as: recruiting a child into prostitution or coercing a child into prostitution, or having recourse to child prostitution; 3) criminal offences concerning child pornography, such as: producing, offering, distributing or transmitting, as well as possessing child pornography; 4) recruiting a child into participating in pornographic performances or attending pornographic performances with children; 5) coercing a child into witnessing sexual abuse; 6) inducing of children for some of these sexual services through information technologies (grooming).

Observing that the sexual exploitation of children, in particular child pornography and prostitution, and all forms of sexual abuse of children are destructive to children's health and psycho-social development and that the victim, as a rule, suffers in silence, the Convention bases its comprehensiveness on the following four pillars :

- preventive measures against violence
- protection of the child victim
- prosecution of the perpetrator
- participation of children

What does the Lanzarote Convention bind us to do?

1. To start from what is the least costly, but at the same time requires good organization and, above all, responsible behavior of the authorities, namely, PREVENTION. The Convention concretely requires the following: that professionals in all the spheres that involve working with children – in education, healthcare, social protection, the judiciary, police, but also in sport clubs, institutions of culture and entertainment and the like, be knowledgeably informed about sexual exploitation and abuse of children, and above all, that

Predviđaju se i obaveze koje država treba da usmeri prema najširoj javnosti u cilju prevencije pojave seksualnog iskorišćavanja dece, potom prema privatnom sektoru u oblasti turizma, putovanja, bankarskog i finansijskog sektora, a uspešnost prevencije garantuje se saradnjom između državnog, civilnog i privatnog sektora.

2. Da bi ZAŠTITA deteta žrtve bila delotvorna, država je obavezna da uspostavi iste takve (delotvorne) socijalne programe podrške deci i njihovim bliskim rođacima, kratkoročne i dugoročne, u cilju njihovog fizičkog i psihosocijalnog oporavka. Ovo obuhvata i uspostavljanje SOS linija za savetodavnu pomoć žrtvama. Posebno je značajno da je takva podrška obavezna i onda kada nije poznata starost žrtve, a ima razloga da se veruje da je žrtva dete, dakle osoba mlađa od 18 godina.

Konvencija „oslobađa“ od čuvanja poverljivosti informacija neke profesije, na primer lekare, da kada dođu u kontakt sa žrtvom seksualnog zlostavljanja, da tu informaciju podele sa drugim nadležnim organima zaduženim za zaštitu dece žrtava (službe socijalne zaštite).

3. Konvencija predviđa da KRIVIČNO GONJENJE POČINIoca treba da se nastavi čak i ako je žrtva povukla svoje izjave, a predviđena je još jedna mera obezbeđenja da počinilac ne ostane nekažnjen. To je obaveza države da svojim propisom uredi da rok zastarevanja krivičnog gonjenja (rok za otpočinjanje krivičnog postupka) počne da teče od punoletstva žrtve, kako bi se detetu žrtvi dala mogućnost da, kada stekne zrelost i samostalnost, bez straha od odmazde i ucene privede pravdi počinioaca, što je posebno važno u situacijama kada je taj počinilac bio u odnosu autoriteta i moći prema detetu žrtvi.

U sklopu ovih mera je i obaveza države da beleži i arhivira podatke lica (identitet i genetski profil, DNK) koja su osuđena za sva krivična dela ustanovljena ovom konvencijom, te da utvrdi organ koji će voditi ovakvu bazu podataka i o tome, u trenutku deponovanja ratifikacionog instrumenta obavestiti Generalnog sekretara Saveta Evrope. Kod nas je organ zadužen za vođenje baze podataka počinilaca krivičnih dela seksualnog zlostavljanja prema deci, Ministarstvo unutrašnjih poslova.

Takođe, mere prema počiniocima mogu da obuhvate sledeće: stavljanje pod sudski nadzor; ukidanje prava na javne povlastice i pomoć; uskraćivanje mogućnosti obavljanja profesionalne ili volonterske aktivnosti sa decom; lišavanje roditeljskih prava; zaplenu ili konfiskaciju imovine stečene vršenjem ovih krivičnih dela. Konvencija sugeriše državama stvaranje namenskog Fonda od tako prikupljenih sredstava, iz kojeg bi se finansirali programi prevencije i pomoći žrtvama.

4. Konvencija zahteva od država da u svim fazama istražnog i krivičnog postupka zaštiti prava i interese žrtava, tako što će im dati sve potrebne informacije o njihovim pravima, službama koje im stoje na raspolaganju, zaštititi privatnost žrtve, sigurnost žrtve i onemogućiti kontakt žrtve i počinioaca. UČEŠĆE DECE obezbediće se tako da se razgovori sa detetom žrtvom vode: bez neopravdanog odlaganja; u prilagođenim prostorijama (child friendly); da razgovor obavljaju, po mogućstvu, uvek isti edukovani profesionalci, da broj razgovora bude ograničen na najmanju moguću meru; da se obezbedi snimanje i video zapis koristi u sudskom postupku; kao i da dete bude u pratnji svog pravnog zastupnika ili odraslog lica koje samo izabere, osim

they have no record of previous offences concerning this type of criminal acts against children. Furthermore, prevention comprises the need to inform children in primary and secondary schools about the dangers of sexual exploitation of children, and about the means and ways of protection.

The obligations that the state ought to impose to the broadest public with the aim of preventing sexual exploitation of children, and also to the private sector in the sphere of tourism, travel, the banking and financial sector, ensuring success of prevention through the cooperation between the state, civil and private sector are also envisaged.

2. In order to achieve efficient PROTECTION of the child victim, the state shall establish corresponding (efficient) short-term and long-term social programs of support to children and their close relatives, aiming at their physical and psycho-social recovery. This also refers to the opening of helplines for counseling victims. It is of utter importance that such support be mandatory also in cases when the age of the victim is unknown, and there is reason to believe that the victim is a child, i.e. a person under 18 years of age.

The Convention provides that the confidentiality rules imposed on certain professionals do not constitute an obstacle to the possibility of their reporting to the services responsible for child protection (social protection services), doctors, for example, when they suspect that a child is the victim of sexual abuse.

3. According to the Convention, the PROSECUTION of the perpetrator is to be continued even if the victim has retracted her/his statement, in addition to another protective measure ensuring that the perpetrator does not get away with impunity. That is the obligation of the state to take the necessary legislative measures to ensure that the statute of limitation (for initiating proceedings) shall continue for a period of time sufficient to allow the starting of proceedings after the victim has reached the age of majority, and acquired maturity and independence to bring the perpetrator to justice, without fear of retribution, which is of particular importance when the perpetrator is in a position of authority and power toward the victimized child.

Part of these measures is the obligation of the state to record and store data on individuals (identity and genetic profile, DNA) who have been sanctioned for any of the offences referred to in this Convention, and to assign a single national authority which will be in charge of this database and inform the Secretary General of the Council of Europe about it, when depositing its instrument of ratification. In our country, the authority in charge of storing the database on perpetrators of criminal acts pertaining to the sphere of child sexual abuse is the Ministry of Internal Affairs.

Also, the measures imposed to the perpetrators can involve the following: placing under judicial supervision; exclusion from entitlement to public benefits or aid; denying the perpetrator the exercise of the professional or voluntary activity involving contact with children; deprivation of parental rights; the seizure or confiscation of the property acquired by committing criminal offences. The Convention suggests that the proceeds of crime or property confiscated can be allocated to a special fund in order to finance prevention and assistance programs for victims.

4. The Convention requires that the state protect the rights and interests of the victims in all the phases of the investigation and criminal proceedings, by providing all the necessary information regarding their rights, available services, protection of the victim's privacy and security of the victim and by preventing contact between the victim and the perpetrator. THE

ako to nije u najboljem interesu deteta.

5. Konvencija uvodi i mehanizam nadzora nad primenom ove konvencije, čime ovaj međunarodni ugovor dobija na snazi. Komitet će doprinosti razmeni informacija, iskustava i primera najboljih praksi između država.

Radi uvida u to šta nam Lanzarot konvencija donosi, važno je ukratko reći kako postojeći Krivični zakonik tretira seksualne delikte nad decom, gde su teškoće u sprovođenju zakona, odnosno šta treba da bude predmet unapređenja.

Seksualno zlostavljanje dece u najvećem je delu krivičnopravno definisano posebnom glavom Krivičnog zakonika "Krivična dela protiv polne slobode", sa 9 članova (silovanje; obljudba nad nemoćnim licem; ob-lju-ba sa de-te-tom; obljudba zloupotrebom položaja; ne-do-zvo-lje-ne pol-ne rad-nje; pod-vo-đe-nje i omogućavanje vršenja polnog odnosa; posredovanje u vršenju prostitucije; prikazivanje, pribavljanje i posedovanje pornografskog materijala i iskorišćavanje maloletnog lica za pornografiju i navođenje maloletnog lica da prisustvuje polnim radnjama). Dva člana (ro-do-skrv-nje-nje i vanbračna zajednica sa maloletnikom) čine deo druge celine - poglavlja KZ pod nazivom "Krivična dela protiv braka i porodice". Kod većine krivičnih dela, činjenica da je žrtva dete (osoba mlađa od 18 godina) delu daje teži karakter (uzrast žrtve je kvalifikatorna okolnost). Zakon, međutim, pravi razliku da li je žrtva dete mlađe od 14 godina (kada je to dodatna kvalifikatorna okolnost i zaprećena kazna mnogo teža) ili starije od 14 godina (kada je kazna strožija nego za isto delo učinjeno prema odrasloj osobi, a blaža nego u slučaju kada je delo učinjeno prema detetu mlađem od 14 godina).

Ono što je manjkavost postojećih rešenja je što je u nekim delima zaprećena kazna nedopustivo niska (za nedozvoljene polne radnje moguće je izreći čak i novčanu kaznu ili uslovnu osudu), zakon predviđa mogućnost ublažavanja kazne ispod zakonskog minimuma; primenom ovog instituta, moguće je izreći uslovnu osudu seksualnim zlostavljačima dece kod većeg broja krivičnih dela. Blaga kaznena politika ima još jedan aspekt: dužinu roka zastarelosti krivičnog gonjenja određuje zaprećena kazna. Tako u nekim slučajevima, krivično gonjenje zastareva za 2 godine ukoliko u tom periodu nije započeo krivični postupak (relativna zastarelost), a najviše za 4 godine (apsolutna zastarelost) od dana izvršenja dela.

Druga primedba tiče se različitog odnosa krivičnog zakonodavstva prema zlostavljačima, zavisno od uzrasta deteta žrtve. Polazeći od činjenice da je dete osoba mlađa od 18 godina i da ranjivost deteta postoji na svim uzrastima, dokle god traje period odrastanja, ovakva razlika u zakonodavstvu neopravdana je i štetna. Nепрепознавање карактеристика различитих периода детинства и одрастанја детета од стране законодавца довело је до тога да закон искључи одговорност за кривично дело "obljudba sa detetom", ukoliko je izvršeno prema detetu starijem od 14 godina ili da incest sankcioniše sa minimalnom kaznom zatvora od 6 meseci.

Nепрепознавање суштине ових кривичних дела резултирало је и тиме да се она кривичнopravno различито третирају; većina njih je deo glave Krivičnog zakonika pod nazivom "Krivična dela protiv polne slobode"; međutim, rodoskrvnjenje (incest) uopšte se i ne prepoznaje kao seksualno zlostavljanje deteta, već kao krivično delo protiv porodice. Isto se odnosi i na krivično delo

PARTICIPATION OF CHILDREN will be ensured so that the interviews with the child take place without unjustified delay, in child friendly premises; that the interviews with the child are carried out, if possible, by the same professionals trained for this purpose, that the number of interviews is as limited as possible; that all interviews with the victim may be videotaped and that these videotaped interviews may be accepted as evidence during the court proceedings; the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless it is against the child's best interest.

5. The Convention also provides for a mechanism of supervision over its implementation, which further enforces this international document. The Committee will facilitate the exchange of information, experiences and examples of best practices among the signatory countries.

In order to obtain a better insight into the provisions of the Lanzarote Convention, it is important to briefly consider the way the existing Serbian Criminal Code treats criminal acts against children, where the difficulties in implementing the laws lie, i.e. in what segments should be improved.

Sexual abuse of children is in the most part defined in a separate criminal and legal chapter of the Criminal Code, "Crimes against sexual freedom", with 9 articles (rape, sexual intercourse with a helpless person, sexual intercourse with a child, sexual intercourse by abuse of position, illegal sexual acts, pandering and enabling sexual intercourse; mediation in prostitution; display, acquisition and possession of pornographic material and engaging a minor in pornography, and the incitement of a minor to attend sexual acts). Two articles (incest and illegitimate marriage with a minor) form part of another unit - the chapter titled "Criminal offenses against marriage and family." For most offenses, the fact that the victim is a child (person under 18 years) constitutes an aggravating circumstance (the age of the victim being a qualifying circumstance). The law, however, makes a difference whether the victim is a child under 14 years (when it is and additional qualifying circumstance incurring severe sentence) or over 14 years (when the sentence is more severe than for the same offense committed against an adult, and milder than when the offense is committed against a child younger than 14 years).

The disadvantage of the existing solutions is that in some parts the prescribed penalty is inadmissibly low (illicit sexual acts can even be sanctioned by monetary criminal fines or probation), the Convention also provides for the possibility of mitigation of penalties below the legal minimum; by applying this institute, it is possible to pronounce a probation to perpetrators of repetitive child sexual abuse. The lenient penal policy has yet another aspect: the length of the statute of limitation is defined by the provided penalty. Thus in some cases, the statute of limitation expires after two years if the criminal proceedings have begun within that period (relative obsolescence), and after a maximum of four years (absolute obsolescence) after the date when the criminal act was committed.

The other objection concerns the different treatment of the offenders by the penal legislation, depending on the age of the child victim. Bearing in mind that 'child' means any person under the age of 18, whereas vulnerability of children is present in all stages of their development, such differences in legislature are unjustified and detrimental. The absence of distinction between the characteristics of different periods of childhood and growing up by the lawmakers has led to the exclusion of liability for the criminal act of "sexual intercourse with a child", if it was committed with a child over 14 years of age or to the sanctioning of incest with less than a six-month prison term.

vanbračne zajednice sa maloletnim licem.

Ono što je neophodno izmeniti jeste pre svega percepcija ovih dela: reč je o seksualnom zlostavljanju dece, gde ne postoji opravdanje za različit stepen zaštite dece različitih uzrasta, niti razloga da se menja zaštitni objekt (porodica, umesto deteta) i gde je neophodno obezbediti stvarne i procesne mogućnosti da se pokrene postupak zaštite deteta onda kada ono bude spremno da se sa tim suoči, a zaprećene i pre svega izrečene sankcije budu u cilju generalne i specijalne prevencije.

Prošlo je više od dve godine od kada je Srbija ratifikovala Konvenciju, a 1. jula i dve godine da je stupila na snagu, a Srbija još nije delotvorno sprovedla obaveze koje je prihvatila pristupanjem Konvenciji. Prvi koraci su učinjeni aprila ove godine kada je Vlada usvojila Predlog zakona o posebnim merama za sprečavanje vršenja krivičnih dela protiv polne slobode prema maloletnim licima i uputila ga Narodnoj skupštini. Ovaj Predlog predstavlja pokušaj zakonskog uređivanja i razrade jednog aspekta Lanzarot konvencije, tj. člana 37. Konvencije o beleženju i arhiviranju podataka o licima osuđenim za seksualne delikte, odnosno uspostavljanje baze podataka počinitelaca seksualnih delikata prema deci i druge mere zaštite kako bi se maksimalno moguće preveniralo ponavljanje ovih krivičnih dela.

Iako je ovo iznuđeno postupanje Vlade, nakon što se desilo nekoliko svirepih silovanja sasvim male dece, od kojih je jedno imalo i tragičan epilog i nakon intenzivnog medijskog pritiska, kao i pritiska porodica dece žrtava, trebalo bi podržati njegovo donošenje. Ovo zbog toga što Predlog zakona ima potencijal da uspostavljanjem mehanizama evidencije i merama kontrole bivših počinitelaca seksualnih delikata prema deci, kao i snagom generalne prevencije doprinese smanjenju broja seksualnih delikata prema deci u budućnosti.

Ukoliko se Predlog zakona o posebnim merama za sprečavanje vršenja krivičnih dela protiv polne slobode prema maloletnim licima usvoji u bliskoj budućnosti, to neće značiti i završetak posla u implementaciji Lanzarot konvencije. Ono što ostaje kao zadatak državnih organa to je dosledna primena Konvencije u svim njenim elementima. Pre svega, to su sve one preventivne mere kojima se postiže bolja osposobljenost i edukacija profesionalaca koji rade sa decom u svim oblastima da prepoznaju dete žrtvu, mere socijalnopsihološke zaštite deteta žrtve i mere podrške deteta žrtve u istražnom i sudskom postupku. Zaštita dece od seksualne eksploatacije jeste primarno zadatak države i njenih organa, ali to ne isključuje značajnu ulogu organizacija civilnog društva, koje su svoju profesionalnost dokazale, ali i privatnog sektora koji svoju ulogu treba da definiše saglasno načelima i ciljevima Lanzarot konvencije. Zbog toga je povezivanje državnog, civilnog i privatnog sektora u partnerstvo, u kojem će se sinhronizovati aktivnosti ovih aktera u dobroj veri i u cilju ostvarivanja najboljih interesa dece, a posebno dece potencijalnih ili stvarnih žrtava seksualnih delikata, od presudnog značaja za postizanje napretka u ovoj oblasti.

Failing to recognize the essence of these criminal offences has also resulted in their different treatment by criminal justice; most of them are treated in the chapter of the Penal Code entitled "Criminal offences against sexual freedom"; however, incest is not defined as child sexual abuse, but as criminal act against the family. The same applies to the criminal act of illegitimate marriage with a minor.

What should be the subject of necessary changes is the perception of these acts: they comprise child sexual abuse, and there is, therefore, no justification for different degrees of protection of children of different age, nor does it constitute a reason to change the object of protection (the family, instead of the child), where it is necessary to provide real and procedural conditions to launch child protection proceedings when she/he is prepared to face this situation, while provided and above all pronounced sanctions should serve the purpose of general and special prevention.

It has been more than two years since Serbia ratified the Convention, and on 1st July it will have been two years since it came into force, but Serbia has not yet efficiently implemented the obligations undertaken by the signing of this Convention. The first steps were made in April this year, when the Government adopted The draft law on special measures for the prevention of crimes against sexual freedom of minors and submitted it to the National Assembly. This Draft constitutes an attempt to legally define and develop one aspect of the Lanzarote, i.e. article 37 of the Convention on Recording and storing of national data on convicted sexual offenders. It refers to establishing a database of the perpetrators of sexual offences against children and other protective measures, so as to prevent the repetition of these criminal acts as much as possible.

Although this Government action was undertaken under pressure, following several cases of cruel rape of very young children, one of which ended tragically, and upon intensive media pressure and insistence of the victims' families, the adoption of this Law ought to be supported. This is because the Draft law has the potential to contribute to the curbing of the incidence of sexual offences against children in the future, by enforcing mechanisms for the keeping of records and measures of control of former perpetrators of sexual offences against children, as well as by means of general prevention.

If the Draft law on special measures for the prevention of crimes against sexual freedom against minors is adopted in the foreseeable future, it will not mark the end of activities concerning the implementation of the Lanzarote Convention. What remains to be done as a task for the state authorities to accomplish is the principled implementation of the Convention in all its aspects. Above all, this applies to all those preventive measures meant to ensure better competence and education of professionals working with children in all spheres, to recognize a child victim, and to apply measures of social and psychological protection of the child in the course of investigation and court proceedings. The protection of children from sexual exploitation is primarily the obligation of the state and its organs; however, this does not exclude the important role of civic society organizations, who have displayed a high level of professional competence, and also of the private sector, which should define its role in accordance with the principles of the Lanzarote Convention. That is why the association of the state, civic and private sector into partnership, where the activities of these actors will be synchronized in good faith and with the aim to work in the best interest of the children, and particularly of the potential or real child victims of sexual crimes, is crucial for making progress in this sphere.

## SUDSKOMEDICINSKI ASPEKTI SEKSUALNOG NASILJA NAD DECOM

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Nasilje nad decom predstavlja veoma značajan društveni problem, prisutan u svim delovima sveta. Postoje različite forme nasilja nad decom, a najčešće se kao oblici izdvajaju fizičko nasilje, zanemarivanje deteta, emocionalno (psihičko) i seksualno nasilje, s tim što u znatnom broju slučajeva dva ili više od navedenih oblika nasilja mogu biti kombinovano vršena nad istom žrtvom.

Svi oblici nasilja nad decom po pravilu za sobom ostavljaju u većoj ili manjoj meri izražene negativne posledice u odnosu na telesno i psihičko zdravlje deteta, sa mogućim smrtnim ishodom u najtežim slučajevima.

### Istorijat

Mada je seksualno nasilje nad decom bilo prisutno u svim istorijskim periodima, o ovoj negativnoj pojavi i njenim štetnim posledicama za svaku pojedinačnu žrtvu i društvo u celini počelo se otvoreno pisati i govoriti počev od sedamdesetih godina XX veka, kada se ozbiljno pristupilo i zakonskom sankcionisanju ovog krivičnog dela.

Prvi rad koji je bio posebno posvećen seksualnoj zloupotrebi dece objavio je daleke 1857. godine francuski patolog i jedan od pionira sudske medicine Auguste Ambroise Tardieu: "Medical-Legal Studies of Sexual Assault (Etude Médico-Légale sur les Attentats aux Mœurs)", a prvi nacionalni statistički podaci o učestalosti ovog oblika nasilja nad decom datiraju iz 1948. godine. Do 1968. godine u 40 od ukupno 50 saveznih država u SAD uvedena je zakonska obaveza lekara da nadležnim organima prijave slučajevne sumnjive na seksualno nasilje nad decom.

### Definicija pojma seksualnog nasilja

Ne postoji opšteprihvaćena definicija pojma seksualnog nasilja niti jedinstvena klasifikacija njegovih pojedinih formi. Najkraće rečeno, seksualno nasilje predstavlja oblik nasilja nad decom u kojem odrasla osoba ili adolescent zloupotrebljava decu za sopstvenu seksualnu stimulaciju. Kempe je seksualno zlostavljanje dece definisao kao uključivanje zavisne, razvojno nezrele dece ili adolescenata u seksualne aktivnosti koje oni ne shvataju i za koje nisu u mogućnosti da daju pristanak ili koje pak krše društvene norme ili porodična pravila.

### Oblici seksualnog nasilja

1. Seksualno nasilje u kojem postoji telesni kontakt između žrtve i izvršioca:
  - dodirivanje i maženje polnih organa deteta
  - seksualni odnos - obluba ili sa njom izjednačen čin (vaginalna, analna ili oralna penetracija) bez primene sile ili uz primenu sile i/ili pretnje (silovanje)



## FORENSIC ASPECTS OF SEXUAL VIOLENCE AGAINST CHILDREN

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Violence against children constitutes a significant social problem, which is present in all parts of the world. There are various forms of violence against children, the most usual categorization being physical violence, child neglect, emotional (mental) and sexual abuse; however, the same victim is often exposed to two or more of these types of violence combined.

As a rule, all forms of violence against children leave negative consequences on the physical and mental health of the children, to a greater or smaller extent, with a possible fatal outcome in the most drastic cases.

### Historical background

Although sexual violence against children was present in all periods of history, this adverse phenomenon and its deleterious consequences on every single victim and for society in general became the subject of overt publications and discussions as of the 1970's, when it was given serious consideration and when legal sanctioning of this criminal offence began.

The first treatise dedicated to child sexual abuse was published as early as 1857, by French pathologist and one of the pioneers of forensic medicine, Auguste Ambroise Tardieu: "Medical-Legal Studies of Sexual Assault (Etude Médico-Légale sur les Attentats aux Mœurs)", whereas the first national statistical data on the frequency of this type of violence against children dates back from 1948. Until 1968, forty out of fifty federal states of the USA had introduced the legal obligation of doctors to report to the authorities cases of suspected sexual violence against children.

### Definition of the concept of sexual violence

There is no general definition of the concept of sexual violence, nor a universal classification of its particular forms. Concisely, sexual violence is a form of violence against children in the course of which an adult or adolescent person takes advantage of children for their own sexual gratification. Kempe defines child sexual abuse as the involvement of dependent, developmentally immature children and adolescents in sexual activities which they do not fully comprehend, are unable to give informed consent to and such that violate social taboos or family rules.

### Forms of sexual violence

1. Sexual violence which includes physical contact between the victim and the offender:
  - touching and fondling of the child's sexual organs
  - sexual intercourse – sexual assault or an equivalent act (vaginal, anal or oral penetration) without the use of force or with the use of force, coercion and / or intimidation (rape)
2. Sexual violence which does not include physical contact between the victim and the

2. Seksualno nasilje u kojem ne postoji telesni kontakt između žrtve i izvršioca:

- prikazivanje detetu sopstvenih genitalija ili drugih delova tela (dojke)
- primoravanje deteta da pokazuje ili dodiruje svoje polne organe
- masturbiranje pred detetom
- izlaganje deteta posmatranju seksualnog akta
- izlaganje deteta gledanju pornografskog materijala

3. Ostali oblici seksualnog nasilja nad decom:

- angažovanje dece za učešće u prostituciji
- angažovanje dece za pravljenje pornografskog materijala ili učešće u bilo kom drugom obliku pornografskih aktivnosti ("vruće" telefonske linije).

## Učestalost

Prema podacima objavljenim 2009. godine u časopisu Clinical Psychology Review, a koji su prikupljeni iz 65 studija rađenih u 22 zemlje širom sveta, globalna prevalenca seksualnog nasilja nad decom procenjuje se na 19.7% kod devojčica i 7.9% kod dečaka. Najveća učestalost registrovana je u Africi (34.4%), prvenstveno zbog velikog broja slučajeva u južnoj Africi, u Evropi je bila najmanja (9.2%), dok je u Americi i Aziji varirala između 10.1% i 23.9%.

Sa sigurnošću se može tvrditi da je stvarna učestalost seksualnog nasilja nad decom veća od one koja je registrovana i zvanično prikazana, s obzirom na nespornu činjenicu da mnogi slučajevi ostaju neprijavljeni, naročito kada se radi seksualnom nasilju unutar porodice. Prema nekim procenama, oko 20 miliona Amerikanaca bili su u detinjstvu žrtve seksualnog nasilja izvršenog od strane roditelja.

## Karakteristike žrtava i izvršilaca, odnos između žrtve i nasilnika

Devojčice su u odnosu na dečake češće žrtve seksualnog nasilja. Prosečno životno doba žrtava je oko 11 godina, ali žrtve mogu biti i odojčad. Većina izvršilaca seksualnog nasilja nad decom je muškog pola. Prema nekim procenama, žene vrše od 14% do 40% dela u kojima su žrtve seksualnog nasilja dečaci, a 6% od slučajeva gde su žrtve devojčice.

U većini slučajeva seksualnog nasilja žrtva i izvršilac se međusobno poznaju, u oko 30% slučajeva nasilnik je rođak deteta (tzv. porodično seksualno nasilje koje podrazumeva krvno ili porodično srodstvo), najčešće brat, otac, ujak ili stric, a u 60% radi se o drugoj vrsti poznanstva (porodični prijatelj, osoba koja čuva dete, komšija i dr.). Najčešće registrovani oblik odnosa između žrtve i napadača je ćerka – otac i pastorka – očuh.

Samo u oko 10% slučajeva izvršioци seksualnog nasilja su osobe koje dete od ranije nisu poznavale.

## Zakonska regulativa u Srbiji

Prema odredbama Krivičnog zakonika Republike Srbije (KZ RS) svaki oblik seksualnog kontakta sa detetom, ne samo nasilan, već i kada je izveden sa pristankom deteta, dakle bez primene sile i/ili pretnje, predstavlja krivično delo. Usled nerazvijenosti deca su nesposobna da pružaju otpor, a zbog duševne nezrelosti su nesvesna svojih postupaka. U zakonskom smislu detetom

offender:

- exposing genitals or other parts of the body (breasts) to the child
- coercing the child into exposing or touching her/his own genitals
- masturbating in the presence of a child
- exposing the child to witnessing a sexual act
- exposing the child to pornographic material

3. Other forms of sexual violence against children:

- engaging children to take part in prostitution
- engaging children in the making of pornographic material or participation in any other kind of pornographic activities ("hot" telephone lines).

## Incidence

According to the data published in 2009 in the magazine Clinical Psychology Review, which was gathered from 65 study projects conducted in 22 countries worldwide, the global prevalence of sexual violence against children is estimated at 19.7% for girls and 7.9% for boys. The highest incidence was recorded in Africa (34.4%), which is primarily due to the large numbers of cases in south Africa, the lowest incidence was recorded in Europe (9.2%), while in America and Asia it varied between 10.1% and 23.9%.

It can be reasonably argued that the actual incidence of sexual violence against children is higher than the recorded and officially published figures, in view of the indisputable fact that many cases remain unreported, especially when sexual violence within the family is concerned. According to some estimates, about 20 million Americans were, in their childhood, victims of sexual violence committed by a parent.

## Characteristics of the victims and offenders, the relationship between them

Girls are more often victims of sexual violence, as compared to boys. The average age of victims is about 11 years, although even infants can be victims. The majority of perpetrators of sexual violence against children are male. According to some estimates, women commit between 14% and 40% of acts of sexual violence against boys, as compared to 6% of cases where victims are girls.

In most cases of sexual violence, the victim and the perpetrator are familiar to one another; in around 30% of cases the offender is the child's relative, (the so-called domestic sexual violence which comprises a blood or family relation), most commonly the brother, father, maternal or paternal uncle, and in 60% of cases, a different type of acquaintance (family friend, babysitter, neighbor, etc.). The most frequently recorded form of relationship between the victim and the offender is daughter – father and stepdaughter – stepfather.

Only in around 10% of cases, the perpetrators of sexual violence are persons previously unfamiliar to the child.

## Legal regulations in Serbia

Under the provisions of the Criminal Code of the Republic of Serbia (CCRS) any form of sexual contact with a child, not only violent, but when performed with the child's consent, i.e. without

se smatra lice koje nije navršilo 14 godina, maloletnikom lice koje je navršilo 14 godina, a nije navršilo 18 godina, a maloletno lice je osoba koja nije navršila 18 godina.

Sva krivična dela protiv polne slobode iz 18. glave KZ RS najteže se kažnjavaju ukoliko su izvršena prema detetu ili maloletnom licu: silovanje (član 178), obljuba nad nemoćnim licem (član 179), nedozvoljene polne radnje (član 182) i posredovanje u vršenju prostitucije (član 184). Postoje i krivična dela koja se specifično (bilo u celosti ili najvećim delom) odnose na decu ili maloletna lica kao žrtve: obljuba sa detetom (član 180), obljuba zloupotrebom položaja (član 181) i prikazivanje pornografskog materijala i iskorišćavanje dece za pornografiju (član 185).

### Dokazivanje seksualnog nasilja

Proces dokazivanja seksualnog nasilja nad decom ima tri osnovne komponente:

- utvrđivanje okolnosti slučaja
- pregled žrtve - utvrđivanje telesnog i psihičkog zdravstvenog stanja deteta i ostali prateći postupci
- identifikacija i telesni pregled izvršioca seksualnog nasilja.

### Utvrdjivanje okolnosti slučaja

Prikupljanje relevantnih podataka o okolnostima slučaja, koje upućuju na postojanje seksualnog nasilja nad detetom, po pravilu je skopčano sa brojnim teškoćama, naročito kada se ono odigrava u krugu porodice. Izvršioc i nasilja po pravilu na sve načine nastoje da prikriju ono što čine detetu.

Kako se u većini slučajeva nasilje nad decom vrši bez prisustva svedoka, izjava deteta žrtve može biti jedan od najznačajnijih dokaza u sudskom postupku. U takvim situacijama često se postavlja praktično pitanje da li se izjavama deteta može verovati. Po mišljenju nekih eksperata iz ove oblasti, dete nikada ne laže (ili izuzetno retko laže) kada govori o seksualnom nasilju u kojem je bilo žrtva. Nažalost, samo dete često ne daje adekvatne podatke, bilo stoga što ne može (malo dete koje ne govori, hendikepirano dete), ne sme (zbog straha od zlostavljača) ili ne želi to da uradi (zbog stida, ali nekada i želje da se zlostavljač zaštiti tj. poštedi od zakonskog kažnjavanja).

Treba izbegavati nepotrebno ponavljanje saslušavanja deteta o pretrpljenom seksualnom nasilju jer to može biti izuzetno traumatično za žrtvu i uzrokovati njenu sekundarnu viktimizaciju. Dete ni u kom slučaju ne treba izložiti nepotrebnom pritisku da bi dalo podatke, a može se pokušati prikupljanje indirektnih znakova seksualnog nasilja npr. kroz igru sa lutkama, naročito ako imaju polne organe, kada dete može u toku igre manifestovati radnje kojima je bilo izloženo. Vrlo je značajno i uočavanje i pravilno tumačenje naglo nastalih promena u ponašanju deteta, koje nisu u skladu sa njegovim životnim dobom, a mogu biti indikator izloženosti seksualnom nasilju (promena raspoloženja do depresije, povlačenje u sebe, agresivnost, slabljenje uspeha u školi, noćno mokrenje i dr.).

### Telesni pregled žrtve

Lekarski pregled deteta žrtve seksualnog nasilja treba da se sastoji od dve osnovne komponente:

the use of force and / or threats, is a crime. Due to their frailty, children are unable to resist, and because of mental immaturity, they are unaware of their actions. Legally, a person under the age of 14 is considered to be a child, and a person above 14 and under 18 years of age is considered to be a minor.

All crimes against sexual freedom in Chapter 18 of the CCRS incur the most severe punishment if committed against a child or minor: rape (article 178), sexual intercourse with a helpless person (Article 179), unlawful sexual activity (Article 182) and mediation in prostitution (Article 184). There are crimes that are specifically (either entirely or predominantly) relating to children or minors as victims: sexual intercourse with a child (Article 180), sexual intercourse by abuse of position (Article 181) and showing pornographic material and child pornography (Article 185).

### Rules of procedure and evidence

The process of proving sexual violence against children consists of three basic procedures:

- determining the circumstances of the case
- examination of the victim – determining the physical and mental state of the child and other accompanying procedures
- identification and physical examination of the perpetrator of sexual violence.

### Determining the circumstances of the case

As a rule, gathering the relevant data on the circumstances of the case which are indicative of commission of sexual violence against the child, is related to numerous difficulties, especially when violence takes place within the family circle. The perpetrators of violence go to great lengths to conceal what they are doing to the child.

Since in the majority of cases violence against children takes place without witnesses, the statement of the child victim can be one of the most important pieces of evidence in judicial proceedings. In such situations, the practical issue arises of whether the child's statements are trustworthy. In the opinion of some experts in this field, children never lie (or hardly ever lie) when talking about the sexual violence they experienced. Unfortunately, the children themselves often do not provide adequate data, either because they are not capable of doing so (a young child who is unable to speak, or a handicapped child), does not dare to (out of fear of their abuser) or does not want to (out of shame, but sometimes also because they wish to protect the abuser, i.e. spare them being legally sanctioned).

Unnecessary repetition of hearings and questioning the child about the sexual violence she/he experienced should be avoided, as this could be extremely traumatic for the victim and cause secondary victimization. The child should by no means be exposed to unnecessary pressure to provide data, but the recording of indirect signs of endured sexual violence can be attempted, for example, by playing with dolls, especially if they have sexual organs, when the child can, in the course of play, manifest the actions she/he was exposed to. It is of utter importance to spot and interpret correctly the sudden changes in a child's behavior, which are not congruent with their age, and can be an indicator of exposure to sexual violence (ranging from swift changes of mood to depression, withdrawing, aggressive disposition, failure at school, nocturnal enuresis, etc.).

- dijagnostikovanje povreda i promena koje zahtevaju lečenje i primenu odgovarajućih terapijskih mera
- klinički sudskomedicinski pregled čiji je cilj utvrđivanje i adekvatno dokumentovanje povreda i promena koje predstavljaju indikatore seksualnog nasilja i to za potrebe suda - to je prikupljanje validnih dokaza za adekvatno procesuiranje i kažnjavanje izvršioca seksualnog nasilja u sudskom postupku.

Zadaci kliničkog sudskomedicinskog pregleda kod dece žrtava seksualnog nasilja su sledeći:

1. utvrđivanje i dokumentovanje telesnih povreda - opis, skiciranje, fotografisanje, klasifikacija (utvrđivanje vrste) i kvalifikacija (utvrđivanje težine) povreda
2. utvrđivanje obljube ili sa njom izjednačenog čina i drugih seksualnih radnji
3. obezbeđivanje materijala za traseološku analizu – biološki tragovi
4. obezbeđivanje materijala za toksikološku analizu – alkoholisanost, uticaj droga i lekova
5. obezbeđivanje materijala za skrining krvnih i polno prenosivih infekcija
6. utvrđivanje psihičkih posledica seksualnog nasilja.

Pravilo je da pregled žrtve treba izvršiti što pre

- da sa tela žrtve ne bi iščezli biološki tragovi koji potiču od izvršioca
- da telesne povrede ne bi iščezle – u većini slučajeva povrede koje nastaju kao posledica seksualnog nasilja su lake i za nekoliko dana prolaze bez traga (krvni podlivi, oguljotine i nagnječine kože i sluzokoža).

Vremenski interval protekao od izvršenog seksualnog nasilja do pregleda kritičan je za nalaz, posebno u odnosu na povrede genitalnih organa. Ukoliko se pregled ne izvrši u prvih 72 sata, verovatnoća da će biti dokumentovane genitalne povrede značajno se smanjuje jer povrede na sluzokoži polnih organa veoma brzo zaceljuju.

### Ko treba da vrši pregled?

Pregled treba da vrše lekari koji su specijalizovani, odnosno posebno edukovani u ovoj oblasti i sa velikim iskustvom. Značajan je multidisciplinarni pristup pregledu u kojem treba da učestvuju lekari različitih specijalnosti:

- specijalista sudske medicine - vrši opšti telesni pregled
- specijalista za dečje bolesti i dečje hirurgije - po potrebi, naročito kada postoje povrede u predelu čmara
- specijalista ginekologije - po mogućstvu specijalizovan za juvenilnu ginekologiju, koji vrši ginekološki pregled žrtve
- psihijatar i psiholog - čije je učešće značajno za dokazivanje pretnje kao oblika prinude i psihičkih posledica seksualnog nasilja, uz pružanje psihološke pomoći i podrške žrtvi.

Klinički sudskomedicinski telesni pregled žrtve seksualnog nasilja ima dve komponente:

- Kompletan telesni pregled u cilju utvrđivanja ekstragenitalnih povreda - seksualno nasilje može biti izolovano, ali i udruženo sa fizičkim (telesnim) nasiljem. Ekstragenitalne povrede nastaju uglavnom kada je primenjena sila u toku seksualnog ataka, što kod dece nije često, sem u slučajevima kada se radi o silovanju od strane nepoznate osobe. Mogu se javiti sve vrste

### Physical examination of the victim

The physical examination of the child victim of sexual violence should consist of two basic components:

- diagnosing the injuries and changes that require treatment and the administration of suitable therapeutic measures
- clinical forensic examination aimed at detecting and adequately documenting injuries and changes that represent indicators of sustained sexual violence, for judicial needs – this entails the gathering of valid proof for adequate processing and punishing of the perpetrator of sexual violence in the court proceedings.

The objectives of the forensic examination of child victims of sexual violence are the following:

1. confirming and documenting physical injuries – description, sketching, photographing, classification (determining the type) and qualification (determining the severity) of the injuries
2. confirming sexual intercourse or another equivalent act and other sexual activities
3. providing material for traceological analysis – biological evidence
4. providing material for toxicological analysis – alcohol levels, influence of drugs or medications
5. providing material for the screening of blood-borne and sexually transmitted diseases
6. establishing the consequences of sexual violence.

The rule that the examination of the victim should be done as soon as possible

- so that the offender's biological traces would not disappear from the victim's body
- so that the physical injuries would not heal – in most cases, injuries caused by sexual violence are minor and they heal without trace within a few days (bruises, abrasions, and contusions of the skin and mucosae).

The time interval that elapsed between the execution of sexual violence and the examination is critical for the findings, especially concerning the injuries of the sexual organs. Unless the examination takes place within the first 72 hours, the probability that genital injuries will be documented significantly decreases, as the injuries to the mucosa of the genitals heal very quickly.

### Who should perform the examination?

Examinations must be performed by doctors who are specialized, i.e. extensively experienced and specially educated in this field. It is important to assume a multidisciplinary approach to the examination, with the engagement of several different specialists:

- a specialist in forensic medicine – conducts a general physical examination
- a specialist in pediatrics and pediatric surgery – if necessary, especially in case of injuries in the anus area
- a specialist in gynecology – if possible, trained in juvenile gynecology, who conducts a gynecological examination of the victim
- psychiatrist and a psychologist – whose participation is important in supporting the argument that threat is a form of coercion and in explaining the psychological consequences of sexual violence, and providing the victim with psychological assistance and support.



povreda kao i kod odraslih žrtava silovanja (povrede na licu, vratu, dojka, rukama, prednjoj strani trbuha i unutrašnjim stranama butina - krvni podlivi, oguljotine, nagnječine, ujedine).

- Ginekološki pregled - kojim se utvrđuju povrede na polnim organima (genitalne povrede) i drugi značajni nalazi na spoljašnjim i unutrašnjim polnim organima i u njihovoj okolini (čmar).

Za dokazivanje ili negiranje seksualnog nasilja nad decom izuzetno je značajno dobro i kritično tumačenje nalaza telesnog pregleda u cilju izbegavanja grešaka koje neiskusni lekari često prave tumačeći kao znake seksualnog nasilja neke normalne anatomske varijacije ili povrede i promene koje nisu nastale u sklopu seksualnog nasilja (npr. zadesno povređivanje pri padu na medični predeo). Stoga je, kao što je prethodno naglašeno, izuzetno važno da telesni pregled vrše lekari koji su posebno edukovani i iskusni u ovoj oblasti. Veoma je značajno je da lekari ne izmišljaju promene i povrede u slučajevima u kojima one ne postoje, što se povremeno čini iz želje da se pomogne detetu u dokazivanju seksualnog nasilja.

Dobro poznavanje normalnih anatomske osobine i karakterističnih povreda i drugog patološkog nalaza koji je u vezi sa seksualnim zlostavljanjem, omogućava dobru dijagnostiku i minimalizuje mogućnost pogrešnog tumačenja ustanovljenog nalaza koji nije posledica zlostavljanja. Time se izbegava i neosnovano optuživanje nedužnih osoba za ovo ozbiljno krivično delo.

Treba naglasiti da je u oko 70% slučajeva navodnog seksualnog nasilja nad decom nalaz telesnog pregleda negativan iz sledeća dva razloga:

- nije postojala namera izvršioca da telesno povredi dete, tako da povrede nisu ni nanete
- seksualno nasilje se odigralo ranije, tako da su povrede koje su eventualno i postojale prošle bez traga.

Prema tome, fizikalni nalaz medicinskog pregleda čini veoma mali deo dijagnostike, s obzirom na to da su pozitivni nalazi po pravilu minimalni ili izostaju, te su stoga nekonkluzivni u smislu pouzdanog dokazivanja seksualnog nasilja nad detetom, prvenstveno kada nije bilo primene sile ni vaginalne ili analne penetracije.

Uprkos činjenici da medicinski pregled žrtve čini samo jedan deo istrage, javnost i brojni profesionalci, uključujući i veliki broj lekara i radnika u policiji i pravosuđu, imaju nerealna shvatanja o tome do kojih se zaključaka može doći nakon medicinskog pregleda. Poznata je predrasuda da odsustvo telesnih povreda, a naročito genitalnih povreda, isključuje postojanje seksualnog nasilja.

- Pregled odeće – značajan je ukoliko je dostupna odeća koja se nalazila na detetu u vreme kada je bilo izloženo nasilju, što se u praksi uglavnom retko dešava. Pregledom odeće utvrđuju se oštećenja i drugi materijalni tragovi nastali u toku seksualnog napada, a posebno je značajno otkrivanje bioloških tragova poreklom od napadača.

- Obezbeđivanje materijala za traseološku analizu – Značajno je na žrtvi pronaći i na odgovarajući način procesuirati biološke tragove koji mogu zaostati od napadača (sperma, pljuvačka, krv, dlake, epiderm). Analizom ovih tragova, prvenstveno utvrđivanjem njihovog DNK profila, moguća je identifikacija izvršioca poređenjem sa DNK profilom osumnjičenih osoba. Kao što je prethodno navedeno, uzimanje uzoraka za traseološku analizu ima smisla u toku prva 72 sata posle akta seksualnog nasilja.

U istom cilju neophodno je i od žrtve uzeti referentne uzorke (npr. bris sa sluzokože obraza) za

The clinical medicolegal physical examination of the victim of sexual violence has two components:

- A complete physical examination aimed at detecting extragenital injuries – sexual violence can be isolated, but also combined with physical (bodily) violence. Extragenital injuries are mainly caused by the use of force in the course of the sexual assault, which is not frequently the case with children, except in the event that the rapist is a person unfamiliar to the victim. All types of injuries can occur as with adult rape victims (injuries on the face, neck, breasts, arms, front of the abdomen and inner thighs – bruises, abrasions, contusions, bites).

- Gynecological examination – aimed at determining genital injuries and other significant medical reports concerning the external and internal genitals and the surrounding area (the anus).

A valid and critical interpretation of the physical examination medical report is of paramount importance in providing evidence, so as to prove or deny sexual violence against children, and avoid errors often committed by inexperienced doctors, such as ascribing to sexual violence some normal anatomic variants or injuries and changes that did not occur as a consequence of sexual violence (e.g. accidental injury from falls of the perineum area). It is, therefore, requisite that physical examinations be performed by specially educated doctors, experienced in this field, as mentioned above. Furthermore, it is important that doctors should not report non-existent injuries or changes, which occasionally happens out of a wish to help the child in providing evidence of sexual abuse.

A good command of normal anatomic characteristics, typical injuries and other pathological findings related to sexual abuse, makes possible good diagnosis and minimizes the possibility of wrong interpretation of the findings, not due to sexual abuse. In this way, unfounded indictment of innocent persons for this grave criminal offence can be avoided.

It is noteworthy that in about 70% of cases of alleged sexual violence against children, the physical examination report is negative for two reasons:

- the perpetrator had no intent of inflicting physical injuries to the child, therefore there were none
- sexual violence happened earlier, so that the injuries that might have been inflicted healed, leaving no trace.

Therefore, the physical medical examination findings account for merely a very small part of the diagnosis, in view of the fact that positive findings are generally minimal or non-existent, and are therefore inconclusive in terms of being reliable evidence in proving child sexual abuse, especially in cases where there was no use of force, or vaginal or anal penetration.

In spite of the fact that the medical examination of the victim accounts for only one part of the investigation, the public and numerous professionals, including a large number of doctors and police and judicial officials, have unrealistic views regarding the conclusions that can be drawn on the grounds of medical examinations. It is a widespread misconception that the absence of physical injuries, and genital injuries in particular, excludes the possibility of sexual violence.

- Examination of clothes – is important, if the clothes worn by the child at the time when she/he was exposed to violence are available, which seldom happens in practice. The examination of clothes reveals the damage and other substantial evidence caused during the sexual assault, and it is of particular importance to detect biological traces originating from the offender.

utvrđivanje njenog DNK profila, da bi se moglo izvršiti upoređivanje sa DNK profilom bioloških tragova pronađenih na telu i odeći osumnjičenog.

- Obezbeđivanje materijala za toksikološku analizu – Značajno je u slučajevima u kojima se sumnja da je seksualno nasilje izvršeno kod deteta koje je bilo pod uticajem alkohola, droga ili lekova koji onemogućavaju pružanje otpora, bilo da su te supstance detetu date od strane izvršioca nasilje (tzv. seksualno nasilje olakšano supstancama) ili je zloupotrebjeno stanje deteta koje je već bilo pod uticajem tih supstanci.

- Obezbeđivanje materijala za dijagnostikovanje polno prenosivih bolesti – Dijagnostikovanje polno prenosivih infekcija kod deteta po pravilu je važan znak prethodnog seksualnog kontakta, odnosno seksualnog nasilja.

Ukoliko se radi o seksualnom nasilju nad devojkicama koje su već ušle u generativnu fazu, žrtva je izložena značajnom riziku od neželjene trudnoće ako se pri redovnim mesečnim ciklusima seksualno nasilje dogodilo oko polovine ciklusa i ukoliko je u kontekstu seksualnog nasilja došlo do genitalnog kontakta žrtve i napadača, praćenog ejakulacijom. U tim slučajevima značajna je primena postkoitalne kontracepcije i testova za dokazivanje trudnoće.

Kao sigurni znaci seksualnog nasilja nad decom navode se:

- nalaz sperme na žrtvi
- trudnoća
- postojanje polno prenosivih infekcija - sifilis i gonoreja su u najvećem broju slučajeva posledica seksualnog kontakta, dok trihomonijaza, hlamidijalne infekcije i herpes predstavljaju nešto manje siguran znak; postojanje anogenitalnih kondiloma je moguć, ali ne i siguran znak, jer se samo neki oblici prenose seksualnim putem, dok je moguć i prenos sa majke na dete u toku porođaja, a u mnogim slučajevima njihovo poreklo ostaje nejasno.

Identifikacija i telesni pregled izvršioca seksualnog nasilja

Ukoliko je moguće, treba što pre izvršiti pregled osumnjičenog, koji se obavlja po istim principima i uz primenu istih dijagnostičkih procedura kao pri pregledu žrtve.

U slučajevima seksualnog nasilja uopšte, a i kod seksualnog nasilja nad decom, izvršioци su u znatnom broju slučajeva povratnici koji ponavljaju ovo krivično delo. Stoga je u cilju njihovog brzog pronalaženja i identifikacije veoma značajno formiranje centralnog registra DNK profila osoba koje su pravosnažno osuđene za neko od krivičnih dela protiv polne slobode. Međutim, značaj ovog registra kod seksualnog nasilja nad decom nije tako veliki kao kod krivičnih dela protiv polne slobode izvršenih nad odraslim osobama, s obzirom na prethodno navedeni podatak da se u relativno malom broju slučajeva (oko 10%) radi o izvršiocu koji se sa detetom žrtvom uopšte nije poznao.

Treba još jednom naglasiti da je u praksi dokazivanje postojanja seksualnog nasilja nad decom često vrlo težak zadatak iz sledeća dva razloga:

- prikupljanje relevantnih podataka o okolnostima slučaja, koje upućuju na postojanje nasilja, po pravilu je skopčano sa brojnim teškoćama, naročito kada se ono odigrava u krugu porodice
- nalaz ustanovljen telesnim pregledom je često negativan i nekonkluzivan, što nikako

- Providing material for traceological analysis – It is important to find on the victim and to adequately process the biological traces that can be left by the offender (sperm, saliva, blood, hairs, epidermis). The analysis of these traces, primarily the determination of their DNA profile, makes possible the identification of the offender, by comparing it to the DNA profile of the suspects. As mentioned above, collecting samples for the traceological analysis is justifiable within the first 72 hours after the act of sexual violence.

With the same aim, it is important to take referential samples from the victim (e.g. a smear from the buccal mucosa) in order to determine its DNA profile, so that it could be compared with the DNA profile of the biological traces found on the suspect's body and clothes.

- Providing material for toxicological analysis – This is important in cases of suspected child sexual abuse committed under the influence of alcohol, drugs or medications that block out resistance, which were either administered to the child by the perpetrator (i.e. drug facilitated sexual assault) or else, the state of the child who was already under the influence of such substances was taken advantage of.

- Providing material for diagnosing sexually transmitted diseases – Diagnosing sexually transmitted infections with a child is usually an important sign of previous sexual contact, that is, of sexual violence.

In cases of sexual violence against girls who have already entered the generative phase, the victim is exposed to considerable risk of unwanted pregnancy, if in conditions of regular menstrual cycles, the violence occurred around the middle of her cycle and if, in the context of sexual violence, there was contact between the victim and the offender, accompanied by ejaculation. In such cases, the use of post-coital contraceptives and pregnancy tests is of particular importance.

The following are considered to be sure signs of sexual violence against children :

- detecting of sperm on the victim
  - pregnancy
  - presence of sexually transmitted infections - syphilis and gonorrhoea are in most cases the consequence of sexual contact, whereas trichomoniasis, chlamydia infections and herpes are a somewhat less sure sign; the presence of anogenital warts is a possible, yet not a sure sign, because only some of their forms are sexually contracted, and can also be transmitted from the mother during childbirth, while in many cases their origin remains unclear.
- Identification and physical examination of the perpetrator of sexual violence

If it is possible, the examination of the suspect should be conducted as soon as possible, according to the same principles and through the application of the same diagnostic procedures as with victim examination.

In cases of sexual violence in general, and also concerning sexual violence against children, the perpetrators are frequently recidivists, who tend to repeat this criminal offence. In order to accelerate their detection and identification, it is therefore of crucial importance to establish a central register of DNA profiles of persons whose final sentence has been confirmed for some of the criminal offences against sexual freedom. However, the importance of this register in cases of sexual violence against children is not so pressing as in cases of criminal offences against

ne isključuje mogućnost da je dete bilo izloženo nekom obliku seksualnog nasilja.

Kako svi oblici nasilja nad decom uzrokuju u većoj ili manjoj meri izražene, često i doživotne štetne posledice u odnosu na telesno i psihičko zdravlje dece, veoma je značajno blagovremeno sprečavanje ove neželjene društvene pojave, a u slučajevima kada se ono već pojavi, onda je neophodno brzo prepoznavanje i zaustavljanje nasilja, odnosno izvlačenje deteta iz sredine u kojoj je ugrožen njegov telesni i psihički rast i razvoj. Prvi korak koji se u prepoznavanju mora učiniti odnosi se na edukaciju svih članova društvene zajednice i njihovo uveravanje u činjenicu da nasilje postoji, da se ono nalazi svuda oko nas iako mnogi od njega okreću glavu čak i kada je očigledno. U našoj sredini dešava se, nažalost, da često i oni koji bi trebalo profesionalno da se bave borbom protiv nasilja minimiziraju značaj ove pojave i njenog pogubnog dejstva na telesno i psihičko zdravlje deteta.

U cilju adekvatne zaštite dece od svih oblika nasilja neophodan je visok stepen sumnje na postojanje nasilja i spremnosti da se na vreme i adekvatno reaguje u slučaju da se te sumnje pokažu opravdanim. Svaki pripadnik društvene zajednice trebalo bi neodložno da prijavi svaku situaciju u kojoj postoji sumnja na seksualno ili bilo koje drugo nasilje nad detetom. Slučaj se prijavljuje organu unutrašnjih poslova i/ili centru za socijalni rad. U našoj sredini to se nažalost često ne čini, čak i kada je nasilje očigledno, a posebno kada se dešava u porodičnom okruženju, sa tumačenjem da je to unutrašnja stvar porodice u koju niko sa strane ne treba da se meša. Blagovremenim prijavljivanjem sumnje na nasilje omogućava se nadležnim organima da na adekvatan način hitno reaguju, što omogućava najefikasniju akciju i spasavanje deteta od daljeg zlostavljanja koje sa sobom uvek nosi opasnost od teškog povređivanja deteta, teškog oštećenja njegovog zdravlja, a u najtežim slučajevima i smrtnog ishoda.

U toj akciji neophodno je aktivno učešće svih osoba koje mogu da pomognu detetu, kako onih iz okoline žrtve (u porodici, obdaništu i školi), tako i stručnjaka različitih profila, koji učestvuju u kliničkom dijagnostikovanju nasilja, pružanju medicinske i socijalne pomoći žrtvama i prikupljanju dokaza neophodnih za procesuiranje ovih slučajeva u sudskom postupku. Jedan od najznačajnijih principa u borbi protiv nasilja nad decom je multidisciplinarnost i tesna i kontinuirana saradnja svih koji u tom procesu učestvuju.

*\*Autor je i predsednik Etičkog odbora Republike Srbije, po odluci Vlade od 2007. godine.*



sexual freedom of adult victims, in view of the above mentioned fact that in a relatively small number of cases (around 10%) the perpetrator is the person completely unfamiliar to the child.

It should be reiterated that in practice, proving instances of child sexual abuse is often a painstaking task for two reasons:

- collecting relevant circumstantial evidence indicating the presence of violence is generally related to numerous obstacles, especially when it is happening within the family
- the medical report established by physical examination is often negative and inconclusive, which by no means excludes the possibility of the child's exposure to some form of sexual violence.

As all forms of violence against children leave more or less pronounced, and often life-long consequences on the physical and psychological health of a child, the prevention of this adverse social phenomenon is vital, and when it occurs, it is indispensable to urgently recognize and stop the violence, i.e. to remove the child from the environment that poses a threat to her/his physical and psychological development. The first step to be undertaken in detecting child sexual abuse must refer to educating all members of the social community and convincing them of the fact that violence is present, that it happens everywhere around us, in spite of the fact that many tend to turn a blind eye to it, even when it is obvious. Unfortunately, in our circumstances it is often the case that those who should be combating violence by profession, minimize the impact of this phenomenon and its pernicious influence on a child's physical and psychological well-being.

The need to attain a high degree of child protection against all forms of violence calls for a high degree of alertness to the presence of this phenomenon, coupled with readiness for a timely and appropriate reaction in case the suspicions turn out to be justified. Each member of the social community should immediately report every situation of suspected sexual or any other violence against a child. The case is to be reported to the interior affairs authorities and/or to the social welfare center. However, this is not often the case in our society, even when abuse is obvious, and particularly when it is going on in the family environment, with the explanation that it is an internal family matter that no outsider should interfere with. If timely informed of suspected violence, the authorities will be able to react urgently and appropriately, and thus ensure the most efficient action and saving the child from further abuse, which always entails a danger of grave injuries, severe consequences to children's health and, in the most drastic cases, a fatal outcome.

When such situations occur, the active participation of all persons that can help the child is indispensable, both of those from the child's social environment (in the family, daycare facilities and school), and of professionals of different profiles who are involved in diagnosing the violence, administering medical and social assistance to the victims and collecting data requisite for the processing of such cases in court. One of the most important principles in combating violence against children is multi-disciplinary approach and close and continual cooperation among all the actors in this process.

*\*The author is also the President of the Republic of Serbia Ethics Committee, according to the Government's decision of 2007.*

## KARAKTERISTIKE LIČNOSTI ZLOSTAVLJAČA

Vesna Brzev-Ćurčić, psihološkinja, psihoanalitičarka

Zlostavljači su najčešće osobe muškog pola. Ako je zlostavljač žena, onda je to najčešće majka, sestra ili baba. Nema posebnih karakteristika zlostavljača u odnosu na uzrast, poreklo, vaspitanje, veru ili obrazovanje. Školska sprema nije preduslov za zlostavljanje niti zaštita od njega, ne postoji profesija „imuna“ na zlostavljanje, nema karakterističnih nacionalnih niti verskih obeležja kojima bi zlostavljače bilo lakše otkriti. Mogu, dakle, da se nađu među svim kategorijama stanovništva. Sem izrazito agresivnih i po tome prepoznatljivih, zlostavljači su najčešće „nevidljivi“ za okolinu i zbog toga može da se govori o „nevidljivoj zlostavljanju“.

Zlostavljači gotovo uvek poriču zlostavljanje. Čak i kada su suočeni sa svedočenjem žrtve, nalaze brojne lične dokaze kojima to osporavaju. U kontaktu sa žrtvom su gotovo beskrupulozni. Ostavljaju utisak osobe koja kao da je „imala pravo“ da čini takve stvari. Sebe ne doživljavaju kao zlostavljače. Ovakvo ponašanje često izaziva agresivan odgovor okoline, što je i razumljivo. Po pravilu ne izazivaju empatiju okoline suočene sa saznanjem o zlostavljanju.

Zlostavljač ima, u odnosu na dete ili mladu osobu, doživljaj kao da ima prava nad njim. Ukoliko se radi o osobi koja je po srodničkoj liniji bliska detetu, postoje nerealna i rigidna očekivanja od deteta, kao i neuvažavanje ograničenja koje nameće uzrast deteta ili mlade osobe. Zlostavljač ne razume i ne prihvata fizičke i emocionalne potrebe deteta. Nikakav signal koji dolazi od deteta vezan za stepen trpljenja i užas u kome se nalazi, ne nalazi odgovor kod zlostavljača. Zlostavljač je najčešće blizak žrtvi i uživa njeno poverenje kao i poverenje žrtvine porodice. Često predstavlja autoritet za dete. Bliskost detetu, dostupnost deteta i zloupotreba poverenja pa i ljubavi je osnova za započinjanje zlostavljanja. To mu daje i osećanje moći koji onda koristi kao osnovu za zlostavljanje.

Zlostavljači pokušavaju da žrtvu izoluju od okoline, da zlostavljanje predstave kao privilegiju i zajedničku tajnu i ne retko pribegavaju okrutnim pretnjama u koje žrtva dugo veruje. Insistiraju na zataškavanju zlostavljanja. Pretnje se najčešće odnose na gubitak osobe za koju je žrtva najviše vezana u situaciji da otkrije „tajnu“. Suštinski, pribegavaju ucenama ukoliko žrtva odluči da obelodani zlostavljanje. Sve ovo uslovljava da se zlostavljanje odvija neverovatno dugo. Pri tome su zlostavljači skloni da zlostavljanje ponove i sa nekom drugom žrtvom. Dešava se da žrtva odluči da prijavi zlostavljanje kada nasluti da će sledeća žrtva biti neko blizak iz okoline, mlađa sestra, npr. Zlostavljači su višestruki povratnici čak i onda kada su zakonski osuđeni.

Među zlostavljačima ima onih koji su i sami žrtve zlostavljanja pa je zlostavljanje reakcija na sopstveno zlostavljanje. U slučaju doživljenog seksualnog zlostavljanja u periodu detinjstva, samo 1/3 od ukupnog broja zlostavljanih postaju zlostavljači. Ovo ih ne oslobađa krivice budući da nisu sve zlostavljane osobe zlostavljači. Njihov odnos prema realnosti je krajnje subjektivan. Za svoje ponašanje okrivljuju žrtvu, a često u žrtvi nalaze krivca za lične probleme kao što su gubitak posla ili emocionalnog partnera. Često imaju osećanje životne osujećenosti i nepravde. Zlostavljače karakteriše nizak nivo kontrole impulsa kao i strah da će izgubiti kontrolu. Nekada ispoljavaju opšte iritabilno ponašanje. Mogu da deluju okrutno i sadistički. Pri tome postoji



## OFFENDERS' CHARACTER TRAITS

Vesna Brzev-Ćurčić, psychologist, psychoanalyst

Offenders are most often persons of the male sex. If the offender is a woman, then she is most often the victim's mother, sister or grandmother. There are no specific features of the offenders concerning their age, background, upbringing, religion or education. The level of education is not a precondition for abuse nor is it a protection from it, i.e. there is no profession that is "immune" to abuse, there are no typical national or religious characteristics that would facilitate the detection of offenders. Therefore, they can be found among all population categories. Except for those who are especially aggressive and thus recognizable, abusers are, generally, "invisible" to their surroundings and that is where the term "invisible abuse" comes into use.

Offenders almost invariably deny abuse. Even when they are confronted with the victim's testimony, they find numerous personal proves to deny that. In contact with the victim, they are virtually unscrupulous. They leave the impression of a person who "had the right" to do such things, as it were. They do not perceive themselves as offenders. This type of behavior frequently causes aggressive reactions in their social environment, which is understandable. As a rule, they do not invoke empathy of their social surroundings when confronted with the disclosure of abuse.

In relation to a child or a young person, the offenders behave as if they have some rights over them. If it is a person who is close to the child as a relative, there are unrealistic and rigid expectations from the child, with no consideration for the limitations imposed by the age of the child or the young person. The offender neither understands nor accepts the child's physical and emotional needs. No signal coming from the child related to the degree of suffering and the horror of her/his situation mitigates the offender's behavior. Offenders are usually close to the victims and enjoy their trust, as well as the trust of the victims' families. They are often authoritative figures for the child. Closeness to the child, the accessibility of the child and taking advantage of the child's trust and even love foster the beginning of abuse. It provides them with a feeling of power which is then used as a basis for abuse.

Offenders try to isolate the victims from their social environment, to present abuse as a privilege and a secret the two of them share, and quite frequently resort to cruel intimidations that the victims tend to believe for a long time. They insist on hushing up the abuse. The threats usually refer to the loss of the person the victim is closest to, should the "secret" be revealed. Basically, they turn to blackmail in case the victim decides to disclose the abuse. Due to all this, abuse can go on for extremely long periods of time. Furthermore, the offenders tend to repeat the abuse with some other person. It happens that the victims decide to report abuse only when they sense that the next victim is going to be someone from their close circle of relations, for example, their younger sister. Offenders tend to be recurring perpetrators, even after they have been legally sanctioned.

Some of the offenders are also those who are themselves victims of abuse and who abuse others in reaction to having been abused. However, only 1/3 of survivors of child sexual abuse become offenders. This does not exempt them from guilt, as not all abused persons become offenders. Their attitude toward reality is utterly subjective. They blame the victim for their behavior, and they often see the victim as the cause of their personal problems, such as the loss of employment or of their emotional partner. They often have the feeling of frustration or having been the victim of injustice. The offenders are characterized by a low level of control

uživanje u samom činu zlostavljanja koje nije praćeno osećanjem krivice. Skloni su osveti ukoliko im se stane na put. Nekada su pod dejstvom psihoaktivnih supstanci, ali to nije uslov. Nivo intelektualnog razvoja nije nužno nizak. Zlostavljači nemaju utisak posrednog nasilja nad decom u situaciji kada je žrtva zlostavljanja majka.

Mada zvuči neverovatno, među zlostavljačima je najmanji broj duševno obolelih osoba. Među njima se retko registruju znaci duševnog oboljenja koja se sreću u psihijatrijskim dijagnostičkim kriterijumima. Stoga je pripisivanje zlostavljanja duševno obolelim osobama vrsta stigmatizovanja koja je nedopustiva. Ono što je karakteristično za zlostavljače je poremećaj na nivou organizacije ličnosti. Rečeno običnim jezikom, zlostavljači imaju „grešku u tkanju“ ličnosti koja se ne vidi golim okom. Upravo u tome i jeste problem jer ih je teško unapred detektovati i samim tim prevenirati zlostavljanje. Oni su krajnje nekooperativni u situaciji kada im se nudi mogućnost pružanja psihološke pomoći. U svetu se zlostavljačima bavi mali broj stručnjaka. Izuzetak su zatvori u kojima se sa zlostavljačima radi na njihovoj rehabilitaciji.

Nemogućnost predviđanja situacije u kojoj može da se dogodi zlostavljanje kao i osobe koja je potencijalni zlostavljač, nalaže potrebu šireg društvenog angažovanja i podizanja svesti vezane za ovu vrstu traumatskog iskustva žrtava.

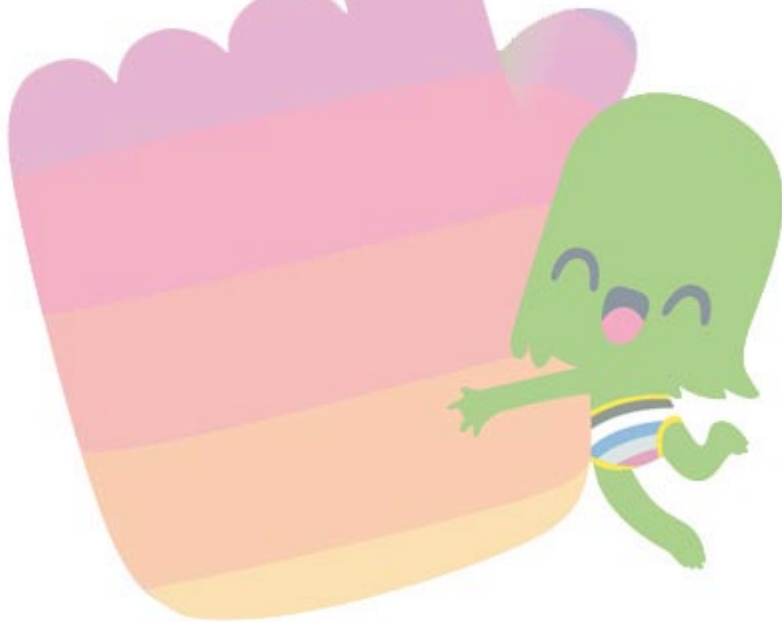
Svest o tome da se zlostavljanje događa u našoj okolini, nas sve obavezuje da zlostavljanje odmah zaustavimo, odvojimo zlostavljača od žrtve i potražimo adekvatnu pomoć policije i stručnih službi. O nekim zlostavljanjima se, na žalost, dugo ćuti. Ako nam se poveri žrtva zlostavljanja, posebno seksualnog koje je najmanje vidljivo i najduže se sakriva, verujmo žrtvi. Takve ispovesti nisu posledica falsifikovanja istine, lažnog optuživanja niti privlačenja pažnje. Ispovest je privilegija ukazana onome kome se kazuje i koga obavezuje na prijavljivanje.

of impulses, as well as by fear of losing control. They sometimes manifest generally instable behavior. They can act cruelly and sadistically. Besides, they enjoy the very act of abuse, which is not accompanied by guilt feelings. Offenders are inclined to revenge if they are impeded. Occasionally, they are under the effect of psychoactive substances, but not as a rule. Their intellectual development level is not necessarily low. Offenders are not aware of secondary abuse of children in situations when the mother is the victim of abuse.

Although it sounds unbelievable, mentally disturbed persons account for the least number of offenders. Signs of mental disease encountered according to psychiatric diagnostic criteria are rarely recorded among offenders. Therefore, ascribing abuse to mentally disturbed persons is a kind of stigmatization that is unacceptable. What is typical of offenders is a disorder on the level of personality organization. In lay terms, offenders have an “error in the weaving” of their personality which cannot be seen by the naked eye. That is exactly where the problem lies, because it is difficult to detect them preemptively and thus prevent abuse. They are extremely uncooperative in situations when they are offered the possibility of psychological assistance. Few experts on the global level deal with the issue of offenders. An exception to this are prisons, where efforts are made to rehabilitate offenders.

The impossibility to foresee situations in which abuse may occur, as well as that of detecting potential offenders, calls for the need of broader community engagement and consciousness raising related to this kind of traumatic experience of victims. .

Awareness of the fact that abuse is happening around us impels us to stop abuse immediately, to separate the offender from the victim and to seek adequate support from the police and expert services. Unfortunately, some cases of abuse are being silenced for a long time. If a victim of abuse confides in us, especially in case of sexual abuse, which is the least visible and can be concealed for the longest period of time, we should believe them. Such testimonies are not a consequence of forging the truth, false accusations or attracting attention. A testimony is a privilege given to the recipient that in turn necessitates reporting.



## Uvod

Pitanje poznavanja problema i pojma trgovine ljudima u najširoj javnosti je uvek bilo u fokusu ASTRE, jer predstavlja glavnu smernicu za razvijanje ostalih aktivnosti. Deca i mladi su u tom smislu najzanimljiviji kao široka i raznorodna grupa koja je samim svojim uzrastom najčešća meta trgovaca ljudima. U periodu mart 2002 – 2012. godine, putem ASTRA SOS telefona identifikovano je ukupno 395 žrtava trgovine ljudima, od kojih su njih 140 (37%) bila deca. Od ukupnog broja identifikovanih žrtava trgovine ljudima ženskog pola, njih 133 (38.89%) su bile maloletne u vreme eksploatacije. Preko 70% dece koja su se našla u lancu trgovine ljudima bilo je izloženo seksualnoj eksploataciji, što je i najčešći oblik eksploatacije i u Srbiji i u svetu. Decu žrtve trgovine ljudima češće vrbuju osobe u koje deca imaju poverenja (62,69%), obično ljudi koji bi o toj deci trebalo da se staraju (35,23%). Srbija je daleko najčešća zemlja porekla za decu žrtve trgovine ljudima jer je 91% (131 dete) identifikovanih žrtava mlađih od 18 godina poreklom iz Srbije. Više od polovine identifikovane dece je eksploatisano u Srbiji, dok se u 47% slučajeva celokupan proces, od vrbovanja do eksploatacije maloletne osobe, dešavao na teritoriji Srbije. Prosečan uzrast dece identifikovane tokom proteklih deset godina je približno 15 godina (14,83).

Za potrebe ovog članka želeli smo da uporedimo rezultate istraživanja javnog mnjenja koje je ASTRA sprovodila tokom godina za različite potrebe i na različitim uzorcima. Analiza se zasniva na preseku četiri istraživanja rađenih od 2002. do 2008. godine. Istraživanja koja su obuhvaćena analizom su: "Trgovina ženama – naša stvarnost ili problem drugih" iz 2002. godine, "Srednjoškolci u Srbiji – trgovina ljudima, internet, potrebe i problemi pri korišćenju" iz 2006. godine, treće čini prikaz podataka iz evaluacija preventivno edukativnih radionica održanih tokom školske 2007/2008. godine i četvrto je istraživanje javnog mnjenja o problemu trgovine ljudima, iz 2008. godine. Preuzeti podaci iz poslednjeg istraživanja odnose se isključivo na stavove mladih, starosti od 11 do 19 godina, o shvatanju problema trgovine ljudima. Namera je bila komparacija uporedivih rezultata istraživanja sa ciljem sveukupnog prikaza informisanosti mladih o problemu trgovine ljudima, a akcenat je stavljen na najčešći oblik trgovine ljudima i u Srbiji i u svetu – trgovinu ljudima u cilju seksualne eksploatacije. Analiza pokušava da pokaže i da li se i koliko menjaju stavovi mladih tokom godina.

## Uporedna analiza

Rezultati istraživanja pokazuju da su mladi u velikom broju od ranije upoznati sa problemom trgovine ljudima (prema istraživanju iz 2002. godine 97,8% ispitanika je odgovorila pozitivno, a 98,8% prema istraživanju iz 2006. godine).

Na pitanje da li misle da trgovina ljudima postoji u Srbiji, mladi 2002. godine u velikom broju nisu bili sigurni (30,8%), što možemo objasniti time da se tada još uvek nije govorilo puno o postojanju tog problema u našoj zemlji. Intenzivniji rad sa mladima tokom sledećih godina doveo je do toga da 2006. godine 97,5% ispitanika odgovori potvrdno na to pitanje, a 2007. 93% uz samo 1 procenat onih koji nisu sigurni.

## Introduction

The issue of keeping the broadest public informed about the concept and the problem of human trafficking has always been the focal point of ASTRA, because it sets the principal guidelines for the development of other activities. In that sense, the children and the young are the most interesting, as a heterogeneous group, being the most common target of human traffickers. In the period March 2002 – 2012, by means of ASTRA SOS Hotline, a total of 395 victims of human trafficking were identified, 140 (37%) of whom were children. Out of the total number of identified female victims of human trafficking, 133 (38.89%) accounted for girls who were underage at the time the exploitation occurred. Over 70% of the children who were involved in the chain of human trafficking were exposed to sexual exploitation, as the most widespread form of exploitation both in Serbia and globally. The child victims of human trafficking are being recruited by persons trusted by the child (62.69%), usually by persons who should be their caretakers (35.23%). Serbia is by far the most frequent country of origin for the child victims of human trafficking, with 91% (131 children) identified victims originating from Serbia. More than a half of the identified children were exploited in Serbia, whereas in 47% of the cases the entire process, from recruiting to exploitation of a minor, took place in Serbia. The average age of the child victims identified over the past ten years is approximately 15 years (14.83 %).

For the purpose of this article, the aim is to compare the results of the public opinion polls conducted by ASTRA for a number of years, for various needs and on different samples. The analysis is based on the comparative analysis of four researches, conducted between 2002 and 2008. The analysis involved researches "Sex trafficking – our reality or a problem of others" from 2002, "Secondary school pupils in Serbia – human trafficking, the internet, specific needs and problems in use" from 2006, the third is an overview of data collected from evaluations of preventive educational workshops during the academic year 2007/2008 and the fourth is the public opinion poll on the problem of human trafficking, from 2008. The data obtained in the latest research refer exclusively to the opinions of the young, aged between 11 and 19, on the understanding of the problem of human trafficking. The aim was to compare the comparable results of the research in order to obtain a comprehensive landscape of the level of information among the young on the problem of human trafficking, and to put emphasis on the most frequent form of human trafficking both in Serbia and worldwide – human trafficking for the purpose of sexual exploitation. The analysis attempts to find out whether and to what extent the attitudes of the young change over the years.

## Comparative analysis

The results of the poll indicate that the young are largely familiar with the problem of human trafficking (according to the research conducted in 2002, 97.8% of the respondents answered positively, and 98.8% respectively, according to the research conducted in 2006). Asked whether they believed human trafficking existed in Serbia, a considerable number of young people were not sure (30.8%), which can be accounted for by the fact that the presence of this problem in our country was not as yet much talked about at that time. Intensified activities with the young over the next few years resulted in 97.5% respondents answering the same question affirmatively, while in 2007 this figure was 93%, with only 1 percent of those who said

Prema podacima istraživanja, od 2007. godine primećuje se pad informisanosti o postojanju trgovine ljudima u Srbiji (79% pozitivnih odgovora uz 16% nesigurnih 2008. godine). Međutim, ovi podaci mogu se objasniti činjenicom da se istraživanje iz 2007. godine odnosi na podatke evaluacije preventivno edukativnih radionica, dok se istraživanje iz 2008. odnosi na stavove javnog mnjenja.

Šta je tačno trgovina ljudima, mladi definišu na različite načine, što može da bude indikator nedovoljnog poznavanja problema i različitih oblika trgovine ljudima. Najčešće asocijacije na trgovinu ljudima su otmice (čak 30% u istraživanju iz 2008.) ili eksploatacija (najviše seksualna) i prostitucija, dok 7, odnosno 6% mladih trgovinu ljudima definiše kao nešto strašno, zlo, nešto najgore. Relativno visok procenat obuhvataju neodređeni odgovori kao što su "kriminal", "biznis" ili "kupoprodaja ljudi".

pozitivan odgovor na pitanje da li u našoj zemlji postoji zakon koji zabranjuje trgovinu ljudima u istraživanju iz 2002. godine dalo je 18,7 %, negativno je odgovorilo 8,8%, a broj onih koji nisu bili sigurni je bio 70,3%. Godine 2008. ovaj procenat se povećao na 71% pozitivnih odgovora, 5 % negativnih i 24% onih koji nisu bili sigurni. Ovde možemo primetiti da se broj onih koji su odgovorili negativno nije znatno menjao (smanjen sa 8,8% 2002. na 5% 2008. godine). Drastičan porast pozitivnih odgovora i smanjenje onih koji nisu bili sigurni u 2008. godini rezultat je dugogodišnjeg rada i kampanji usmerenih na povećanje informisanosti mladih, kao i povećanog (mada još uvek nedovoljnog) prisustva teme u medijima.

Upitani o tome ko može da postane žrtva trgovine ljudima, mladi najčešće ističu da su to deca (42%), potom žene (26,5%), svi (15%) i mladi ljudi (6,5%) (po istraživanju iz 2006. godine). Ovo istraživanje može se dopuniti podacima iz kasnijih godina gde se brojačano ističe stav da su žrtve trgovine ljudima najčešće mlade žene i deca (24% 2007. godine). Prepoznavanje seksualne eksploatacije kao dominantnog oblika trgovine ljudima odražava se i na shvatanje mladih ko mogu biti žrtve. Naime, visok procenat odgovora da su to žene i deca (skoro 2/3 ispitanika 2006. godine) i niska percepcija muškaraca kao potencijalnih žrtava može se objasniti i pretežnim poistovećivanjem trgovine ljudima sa seksualnom eksploatacijom, ali i tradicionalnim stavom da osobe muškog pola ne mogu biti žrtve seksualnog nasilja.

Međutim, kada govorimo o tome da li se ispitanicima ili njihovim bližnjima može dogoditi da postanu žrtve trgovine ljudima, gotovo polovina (47,8%) je odgovorila negativno. Podatak da mladi sebe ne prepoznaju kao potencijalne žrtve može se objasniti i time što se često pronalaze stavovi da su žrtve naivne i lakoverne. Istraživanjem navedenih stereotipa pokazalo se da se gotovo polovina (46,6%) anketiranih slaže sa ovom tvrdnjom. Stereotip o lakovernosti i naivnosti žrtava može nam ukazati na razlog zašto mladi sebe i svoje bližnje ne prepoznaju kao potencijalne žrtve. Treba skrenuti pažnju na to da još uvek postoje predrasude o tome da je žrtva sama kriva za ono što joj se dogodilo (15,4% 2002. godine, procenat koji je porastao na 18,5% 2007. godine.)

Presekom ovih pet istraživanja, rađenih u periodu od devet godina, mogu se pratiti podaci o tome koliko su mladi bili informisani o problemu trgovine ljudima. Izdvojile bismo podatke iz 2002. godine gde, bez obzira na visoki procenat onih koji su čuli za problem trgovine ljudima, ima dosta onih koji su odgovarali sa "ne znam" ili "nisam siguran" na pitanja o prisustvu trgovine ljudima u Srbiji i zakona kojim se zabranjuje. Navedenim podacima se može uvideti slabo prepoznavanje

they were not sure.

According to the poll results, as of 2007, there has been a downward trend in the levels of information regarding the presence of human trafficking in Serbia (79% affirmative answers and 16% unsure in 2008). However, this outcome can be explained by the fact that the 2007 research contained evaluation data from educational workshops, while the research conducted in 2008 was a public opinion poll.

What young people understand under the term human trafficking can be an indicator of insufficient knowledge about the problem and various forms of human trafficking. They most frequently associated human trafficking to abductions (as many as 30% in the 2008 poll), or exploitation (predominantly sexual) and prostitution, whereas 7, or 6% of adolescents defined human trafficking as a horrible or evil thing, the worst possible thing. A relatively high percentage of responses were vague, such as "crime", "business" or "trading in people".

In 2002, when asked whether there is a law banning human trafficking in our country, 18.7% of the respondents answered affirmatively, 8.8% said no, while 70.3% were not sure. In 2008, the percentage of affirmative responses rose to 71%, with 5% negative and 24% of those who were unsure.

It is evident that the number of respondents whose answers were negative did not change considerably (it dropped from 8.8% in 2002 to 5% in 2008). The drastic increase of affirmative responses and the decrease of those who were unsure in 2008 was the result of year-long activities and campaigns directed at informing the young, and also a more marked (though still insufficient) presence of this topic in the media.

Asked who can become a victim of human trafficking, the young readily mentioned the children (42%), then women (26.5%), everybody (15%) and young people (6.5%) (according to the 2006 poll). This research can be complemented with facts from the following years, when the figure referring to the attitude that the victims of human trafficking are usually young women and children (24% in 2007) is particularly prominent. Recognizing sexual exploitation as the dominant form of human trafficking also bears on the perception of the young as to who the victims could be. Namely, a high percentage of respondents said that those were women and children (nearly 2/3 of respondents in 2006), while the low perception of men as potential victims can be accounted for by the general identification of the term human trafficking with sexual exploitation, and also by the traditional views that male persons cannot be victims of sexual violence.

However, asked whether they or people close to them could become victims of human trafficking, nearly one half (47.8%) answered negatively. The fact that the young do not perceive themselves as potential victims can be explained by the fact that opinions are often expressed of the victims being naive and gullible. A research of the above mentioned stereotypes revealed that nearly a half (46.6%) of the respondents agree with this statement. The stereotype on the gullibility and naivety of the victims can be indicative of the reason why the young do not perceive themselves or persons close to them as potential victims. It should be noted that the prejudice is still widespread that the victims are to blame for what happened to them (15.4% in 2002, a percentage which rose to 18.5% in 2007).

By comparing and contrasting these five researches conducted over a nine-year period, it is possible to trace back data on how informed the young were concerning the issue of human trafficking. The results from 2002 are particularly significant, because, regardless of the high

problema u Srbiji. U odnosu na 2002. godinu uviđamo sveukupni porast u prepoznavanju ovog problema u Srbiji. U 2006. godini o postojanju trgovine ljudima je informisano gotovo 100% ispitanih. Izrazito je visok procenat onih koji trgovinu ljudima prepoznaju u Srbiji, a za postojanje zakona protiv trgovine ljudima 2008. godine zna 70% ispitanika. Trgovina ljudima se vezuje za eksploataciju uopšte, a često i za otimanje i prodaju ljudi kao robe.

## Zaključak

Sveukupni presek istraživanja o tome ko se smatra žrtvama trgovine ističu se deca pre svega, a potom žene. Nadalje, uviđa se činjenica da svako može postati žrtva trgovine ljudima bez obzira na poreklo. Međutim, još uvek opstaju stereotipi da su žrtve naivne i lakoverne žene i deca: tipična žrtva je žena ili devojka, koja je, bežeći od siromaštva i u želji da bolje živi, upala u lanac seksualne eksploatacije tako što je odgovorila na lažnu poslovnu ponudu ili oglas. Znatno manji procenat vidi mogućnost vrbovanja muškaraca, vrbovanja od strane poznatih osoba ili nasilje u porodici kao značajan "push" faktor. Nerazumevanje suštine problema se posebno vidi u odgovorima na pitanje o krivici žrtve za situaciju u kojoj se našla, kao i kod pitanja njene krivične odgovornosti. Ovo s jedne strane nije iznenađenje, naročito imajući u vidu da je seksualna eksploatacija prepoznata kao dominantni oblik eksploatacije žrtava. Naime, krivična dela sa elementima seksualnog nasilja po pravilu žrtvu stavljaju na stub srama, bez obzira na to što se iz odgovora na ostala pitanja može doći do zaključka da deca i mladi u Srbiji sve više znaju šta je to trgovina ljudima.

Rezultate ovih istraživanja treba imati u vidu pri osmišljavanju budućih preventivnih strategija, kao i osmišljavanju kampanja za informisanje, pre svega dece i mladih, i podizanje nivoa svesti o novim oblicima eksploatacije koji se pojavljuju u našem regionu, novim načinima vrbovanja, novim destinacijama – trgovina ljudima je dinamičan fenomen koji se, u cilju održavanja visokih zarada, stalno menja. Pothranjivanje stereotipa nikako ne doprinosi njegovom uspešnom suzbijanju.

ASTRA je od svog osnivanja 2000. godine započela i izvela brojne aktivnosti u cilju iskorenjivanja trgovine ljudima kroz direktnu pomoć žrtvama, prevenciju i edukaciju kako aktera u institucijama tako i u najšire javnosti. Tokom dosadašnjeg rada ASTRA je izgradila dobru saradnju sa relevantnim institucijama u oblasti borbe protiv trgovine ljudima, kao i sa brojnim međunarodnim i domaćim nevladinim organizacijama prisutnim u Srbiji. Pored toga, ASTRA ostvaruje veoma dobru saradnju sa organizacijama u regionu i međunarodnim organizacijama. U saradnji sa drugim organizacijama ili samostalno NVO ASTRA učestvuje u izradi alternativnih izveštaja za različita međunarodna tela i organizacije kao što su Ujedinjene nacije, Savet Evrope itd, gde učestvuje direktno ili kao posmatrač u radu konferencija koje oni organizuju.

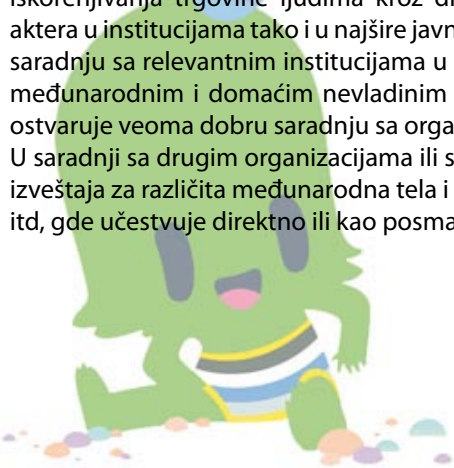
percentage of those who were familiar with the issue of human trafficking, many responded with "I don't know" or "I am not sure" to questions about the presence of human trafficking in Serbia and the laws banning it. The results indicate a low level of awareness concerning these problems in Serbia. Compared to 2002, a general improvement in recognizing this problem in Serbia is perceivable. In 2006, nearly 100% of the respondents were informed about the presence of the problem of human trafficking. The percentage of those who are aware of human trafficking in Serbia is markedly high, with 70% of the respondents being informed about the existing law banning human trafficking. Human trafficking is related to exploitation in general, and often to the abduction and trading in people as a commodity.

## Conclusion

A comprehensive analysis of the research into which categories are perceived as the victims of human trafficking shows that these are primarily children, followed by women. Furthermore, it clearly reveals that anybody can become a victim of human trafficking, regardless of their background. However, stereotypes are still present about victims being naive and gullible women and children: a typical victim is a woman or a girl, who, in an attempt to escape poverty and live better, got trapped into a chain of sexual exploitation by responding to a fake business proposal or advertisement. A far lower percentage of respondents are aware of the possibility of recruiting men, recruiting by persons familiar to the victim or of domestic violence as an important 'push factor'. The lack of understanding of the core of the problem is particularly conspicuous in answers to the questions concerning the issue of culpability of the victims for the situation they are in, and also that of their criminal accountability. On one hand, this is not surprising, bearing in mind that sexual exploitation is recognized as a dominant form of exploitation of victims. Namely, criminal offences with elements of sexual violence are often stigmatized, despite the fact that the responses to the other questions in the poll indicate that the children and the young in Serbia are all the better informed about what human trafficking actually is.

The results of these public polls should be taken into account in creating future strategies, as well as campaigns aimed at informing children and adolescents primarily, and awareness raising about all forms of exploitation that are present in our region, new ways of recruiting, new destinations – human trafficking is a dynamic phenomenon which is constantly changing, so as to ensure high profits. Nurturing stereotypes can by no means contribute to its successful suppression.

Ever since its inception in 2000, ASTRA undertook and conducted many activities aimed at eradicating human trafficking through direct assistance to the victims, prevention and education of both the institutional actors and the broadest public. In the course of its activities so far, ASTRA has developed good cooperation with the relevant institutions in the field of combating human trafficking, as well as with numerous international and national NGOs that are present in Serbia. Besides, ASTRA has established very good cooperation with the regional and international organizations. In cooperation with other organizations or independently, NGO ASTRA participates in the preparation of alternative reports for diverse international bodies and organizations, such as the United Nations, the Council of Europe, etc. where it participates in the activities of the conferences they organize, either directly or as an observer.





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