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Challenges to
Preliminary Identification of
Romani ‘Victims of Trafficking’:
The Serbian Case

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CHALLENGES TO PRELIMINARY IDENTIFICATION OF
ROMANI 'VICTIMS OF TRAFFICKING':
THE SERBIAN CASE

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ABSTRACT

Fourteen years after the Serbian government ratified the Palermo Protocol, the efficacy of its anti-trafficking policy mechanism should be assessed. This paper examines one area of anti-trafficking efforts – identification. It focuses on **preliminary identification** (detection and reporting) **of Romani 'victims of trafficking'**. It focuses specifically on the challenges to identification connected with 'forced marriage' and 'forced begging' for two reasons: firstly, these are the forms of trafficking (as defined by anti-trafficking policy) which have been the most clearly ethnicized by anti-trafficking policy discourse in general. Trafficking for petty crimes is also a form associated with Roma, but Serbian anti-trafficking policy actors rarely have a say on this issue. The general anti-trafficking policy discourse also associates trafficking for sexual exploitation with Roma, but not exclusively, and almost only when prompted. In this case, "Roma are among the victims too". Secondly, my interviews with local anti-trafficking policy actors on forced marriage and forced begging demonstrated clearly the persistent complexity of these discourses. My main finding is that the ways the specific policy debates are framed have serious negative impacts on combatting early, arranged, and forced marriage and begging and forced begging. In addition, structural problems cause institutions to strengthen and produce more negative effecters, resulting even in policing Romani children who are at the same time, by the same policy actors which police them, considered 'victims'. The main aim of this paper is to address some of the outstanding issues pertinent to raising the awareness of anti-trafficking policy actors regarding problems related to *victim identification*.

1. INTRODUCTION

Background

In the first phase of my research (“Exploring ‘Vulnerability of Roma’ in the Anti-Human Trafficking Policy Discourse in Serbia”¹), I interviewed policy actors active in the anti-trafficking in human beings policymaking and implementation at *the national level*. One of the main findings involved Serbian state institutions at *the local level*, which have been criticized by many of the national policy actors I interviewed for **not identifying Romani victims of trafficking**, at least not sufficiently. In general, interviewed national policy actors were convinced that local-level state institutions, those expected to identify victims, discriminate against Roma. Discrimination (and sometimes racism) is emphasized as something that prevents local-level state institutions, especially *schools* and *social care centers*, from identifying Romani victims of trafficking.

Since discrimination is a complex concept, I asked my interviewees in the first phase of the research how local anti-trafficking policy actors discriminate against (or why they do not identify) Romani victims in order to see what the term ‘discrimination’ meant to these actors in this context. According to the interviewees, one of the most common examples was “the way of thinking of the local anti-trafficking policy actors”. By this, they mean to say that **local actors relate forced marriage and forced begging - the trafficking forms most frequently associated with Roma - with ‘Romani culture’**. The interviewees argued that local actors, either consciously or unconsciously, often use ‘Roma culture’ as a scapegoat that justifies their ineffectiveness. The local actors are said to believe (or pretend to believe) that “this is normal when it comes to Roma”, that this is “the way they live their lives”, “the custom”, “the tradition”, “the culture”, and that this is why they do not act. Secondly, the national policy actors (although only few) stated that **the local policy actors “have no idea what to do”**. These two examples prompt further questions for study specifically on *the lack of both local knowledge (regarding Romani communities) and the presence and role of instructions from “above”* when it comes to how to act when faced with potential trafficking cases.

In the first phase, I also discovered some of the national anti-trafficking policy actors conceptualize ‘trafficking in Roma’ as a ‘Romani problem’ and, therefore, consider it something that the Roma community should deal with, not the state. Nationalistic ideology and discursive cultural differentiation that distinguish ‘us’ (non-Roma) and ‘them’ (Roma) are clearly reflected at the policy-making level where it can be observed that “Romani issues” are isolated from all other issues affecting the state. The result is a **lack of productive communication between national anti-trafficking and Romani policy actors** which has further resulted in the grievous treatment of the concept ‘trafficking in Roma’ in the Strategy for Improvement of the Status of Roma in the Republic of Serbia (the Roma Strategy, 2010).² This is just one of the results that has led me to the conclusion that the lack of productive

1 For more about this research project, see: <https://cps.ceu.edu/research/roma-anti-trafficking-policies>, last access November 4, 2015.

2 For more on the findings in the first research phase, see the policy paper: Jovanović, J. (2015), ‘Vulnerability of Roma’ in Policy Discourse on Combatting Trafficking in Human Beings in Serbia: Perspectives of the National Policy Actors, available at <https://cps.ceu.edu/sites/default/files/publications/cps-working-paper-osi-ttf-vulnerability-of-roma-2015.pdf> and the policy brief Jovanović, J. (2015), ‘Vulnerability of Roma’ and Anti-Human Trafficking Policies in Serbia: Recommendations to the National Policy Network, available at <https://cps.ceu.edu/sites/default/files/publications/cps-policy-brief-osi-ttf-vulnerability-of-roma-2015.pdf>, last access November 4, 2015.

communication between anti-trafficking and Romani policy actors might negatively affect policy implementation as well.

Research topic

The findings highlighted above have led me believe that it is very important to explore the responses of *local anti-trafficking policy actors*. I took these findings as hypotheses, or rather presumptions, to start my exploration with. I choose to redefine the previous *findings* as *presumptions* because one of the limitations experienced in the first phase of my research is connected to the realization that national actors' knowledge is most often decontextualized.

I chose not to focus on protection, economic and other forms of empowerment of victims, prosecution of perpetrators, prevention or mobilization and coordination of resources, but rather specifically on *identification*. Identification here relates to the *detection of presumed Romani victims of trafficking* and *reporting of such cases* at the identification stage – also known as “**preliminary identification**” – and consists of “initial screening of a case of a presumed trafficked person” (De Gasperis, 2012). Additionally, identification implies those “*measures* targeting search and detection of potential victims of trafficking in the contexts deemed ‘favorable’ for human trafficking” (Fomina et al, 2012). I only tackle *official* or *formal* identification conducted by the State’s Center for Human Trafficking Victim Protection³ because preliminary identification is the first step, a precondition for immediate care, formal identification, short and long-term protection and assistance, and all the other above-mentioned areas of anti-trafficking efforts.

Research questions and aims

The main research questions are: what kind of knowledge about *trafficking in Roma* has been produced within local anti-trafficking policy networks and what are the implications of this knowledge to anti-trafficking policy implementation in Serbia in terms of preliminary identification of Romani victims? To answer these, I studied the discourse and practice of local policy actors. I sought to discover how those actors responsible for identifying victims and reporting cases responded to the concept ‘trafficking in Roma’ in order to, firstly, further map the ideological foundations upon which *trafficking in Roma* is constructed within policy debate in Serbia and, secondly, to determine the implications these ideas have in regards to anti-trafficking policy implementation. Therefore, the second phase of the research, what I intend to present here in this paper, still concerns knowledge of *trafficking in Roma*, but is now aimed at collecting and analyzing the knowledge of people “on the ground” who have been criticized for not fulfilling their role as anti-trafficking policy actors. The aim of highlighting challenges to preliminary identification is to see what dynamics might contribute to the presumed low number of identified Romani victims and to better understand the implicated effects of these dynamics on anti-trafficking policy implementation. The focus will primarily be on conceptual challenges to preliminary identification, but I will also address some structural problems, which I call “institutional challenges to identification”.

3 Centar za zaštitu žrtava trgovine ljudima [Center for Human Trafficking Victim Protection], <http://www.centarzztlj.rs/>, last access November 4, 2015.

Main arguments

This is a search for key problem areas connected with preliminary identification specific to the Serbian context and to trafficking forms associated with Roma – **forced marriage** and **forced begging**. I focus on challenges connected with forced marriage and forced begging for two reasons: first of all, these are the trafficking forms which have been already ethnicized by the anti-trafficking policy discourse in general. Trafficking for petty crimes is also a form associated with Romani victims, but anti-trafficking policy actors rarely have a say on this issue. General anti-trafficking policy discourse also associates trafficking for sexual exploitation with Romani victims, but not exclusively, and mostly only when prompted. In this case, “Roma are among the victims too”. Secondly, discourse by interviewed local actors on forced marriage and forced begging reflected ceaseless complexity. There is no contextual research on these topics in the region. I would like to emphasize here that, in this paper, I am neither allocating nor creating “correct” definitions of forced marriage and forced begging. Further, I do not intend to relativize the phenomena and argue that state actors should not act because they have insufficient knowledge. Rather, I argue that the ways these specific policy debates are framed have serious negative effects on Romani communities and that structural problems result in institutions contributing to the negative effects.

2. METHODS

I conducted twenty-one structured and semi-structured interviews with local anti-trafficking policy actors. This dual method seemed to provide the most suitable way to understand how the actors I planned to talk to think about *trafficking in Roma* and if (and how) they act when potentially faced with a case. I interviewed individuals charged with implementation of anti-trafficking policies at the local level in two localities in Serbia. I mapped the interviewees relevant for my research using a project implemented by a non-governmental organization.⁴ With a ready-made list of main local-level anti-trafficking actors, it was easy to establish communication with my interviewees: representatives of social care centers, health care institutions, police authorities, foster homes, the Red Cross Serbia and NGOs. Additionally, I interviewed several NGO contacts that I did not find through that project as well as several additional elementary school directors, school psychologists and Romani teacher assistants⁵ because I saw them as representing key anti-trafficking policy actors, especially in terms of preliminary identification.

I chose my research sites according to the following criteria: 1. They are geographically located in Vojvodina and southern Serbia; 2. They are localities where Roma live in higher numbers; 3. They are localities where Romani NGOs were (or still are) said to be involved and cooperating with mainstream

4 For more about the project “Lokalne zajednice u borbi protiv trgovine ljudima” [Local Communities in Combatting Human Trafficking], see: http://atina.org.rs/vesti_lokalne_zajednice.html, last access November 4, 2015.

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

NGOs or/and local state institutions specifically on anti-trafficking efforts. The localities will not be revealed here because the critical approach I apply targets conceptual and structural problems rather than individual local policy actors. Limitations of this research concern; the small number of localities visited, its exclusively urban demographic, and the socio-cultural characteristic of the visited sights. Further, I presume that the picture presented here would in some way differ from localities that have not been impacted by national anti-trafficking policy actors through projects, trainings, and other related activities.

The main methodological tools I used for the analysis were critical discourse (Van Dijk, 1992; Fairclough, 2003), qualitative content (Kohlbacher, 2006) and policy analysis (Van Eeten, 2007; Miller & Demir, 2007). Data is conditioned to some extent by the specific subjects of my interests and has emerged from my line of enquiry. Only when subjected to fieldwork, was I able to determine what research questions could be asked reasonably. Therefore, I concluded only at the end which questions could be answered by the study. The concepts and categories used in the analysis, rather than being pre-determined and theoretically based, were a result of state-of-the-field and subject contact time, and gradually deduced and revised in the course of the process (Mayring, 2000).

3. CHALLENGES TO IDENTIFICATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS

In this chapter, I will present literature and other sources of information relevant for the topic in order to justify the necessity of the research. Firstly, it is important to see what challenges to identification of trafficking cases have been emphasized up to this point at both the national and the international level. Secondly, it is crucial to point out what has been done to improve identification of trafficking victims in Serbia. This chapter is neither a systematic literature review nor an attempt to dissect the efforts made to develop Serbian national anti-trafficking policy in terms of the state's reflections on victim identification issues. Rather, it intends to draw attention to some previously-made key arguments and steps that, in my opinion, reveal why it is so important to bring more contextualized knowledge connected with the herein mentioned specific forms of trafficking – forced marriage and forced begging – into the anti-trafficking debate.

3.1. Challenges to Identification in the Literature

Trafficking in human beings, trafficking in persons or *human trafficking* are all the terms policy actors use internationally to describe the phenomenon in question. In Serbia, the term most commonly used in policy work is – *trgovina ljudima* – which, translated literally, means *trafficking in human beings*, but its denotative meaning implies 'selling' and 'buying' or 'exchanging goods for money'. The definition, used in Serbian legislation and policy, includes many components:

...whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit recruits, transports, transfers, sells, buys acts

as intermediary in sale, hides or holds another person with intent to exploit such person's labor, forced labor, commission of offences, prostitution or other forms of sexual exploitation, mendacity, abuse for pornography purposes, slavery and other similar relationships, removal of organs or body parts or service in armed conflicts shall be considered a perpetrator of human trafficking criminal offence (Cited in the National Strategy to Prevent and Suppress Trafficking in Persons, Especially Women and Children 2014-2020, from Article 388, paragraph 1 of the Criminal Code).

Rather than going deeper into analysis of this definition, I would like to just repeat a frequently made argument that the definition is both long and confusing, containing many terms that could also refer to different phenomena. This contributes to why “governments engage in [...] conflation [...], mixing human smuggling and trafficking into their official figures or legal code or equating trafficking and slavery in official discourse, if not in the law” (Weitzer, 2014, p. 8, 9). Bulgarian law, for instance, defines recruitment of a consenting adult for sexual activities, forced labor, or removal of bodily organs as a trafficking offense (Ibid.). As we can see, policy and legislative discourses on the national level reflect problems with definition. In the Serbian case, the definition was simply copied from an international anti-trafficking policy document - the *Palermo Protocol*.

The problems with definition speak very much to victim identification issues. Academics point out that there are many definitions of trafficking, but they “are too ambiguous for practical identification of victims” (Tyldum, 2010, p. 7). In his work on the subject, Saša Mijalković, referring to the Serbian context, points out that, while indeed the lack of research leaves us without a clear understanding of what trafficking means, ultimately this is simply a result of it being a “relatively new phenomenon”:

Human trafficking in our country, in its current meaning and scope, is a relatively new phenomenon. This is the reason why there is neither systematic academic knowledge on this security phenomenon nor there is an accurate and unified term. This situation related to terminological marking of security phenomena and their elements made a confusion characterized by marking same phenomena by using different terms, marking different phenomena by using same terms, creating unnecessary synonyms and homonyms as well as usage of a non-scientific phenomenological-categorical apparatus. (Mijalković, 2008, p. 19).

Further, he also points out that this contributes to the lack of identification of trafficking cases, which further results in the increasing number of victims (Ibid). Internationally, in the policy and legislative discourse, identification of trafficking victims is recognized as one of the major problem areas in addressing the phenomenon of trafficking in human beings. It is considered to be “the decisive issue in combating human trafficking” (Follmar-Otto & Rabe, 2009, p. 27). However, many researchers emphasize that this is an *assumed* problem since there is no research that proves “the problem”. Some even argue that policy actors on the international level who state that trafficking is increasing globally are wrong (Weitzer, 2014). In consideration of Weitzer’s arguments, I argue that lack of identification is one of many popular assumptions we cannot concern ourselves with before we address the question of *what actual phenomenon it is we want to identify*.

In Serbia, there are few sources that enlighten us about identification issues, even though based on the mentioned assumption. Available data is not systematically gathered nor presented and reportage tends to be very general. Nevertheless, such documents are relevant for my research because they show

that there are both conceptual and institutional challenges to identification of trafficking victims. Biljana Simeunović Patić mentions problems affecting identification such as: stereotypes (for example, understanding perpetrators as “monstrous people who earn astronomical amounts of money from people’s misery”); a lack of information and education on the part of the experts; a lack of a clear operationalization of the phenomenon; differing understandings of who the victims are (state institutions vs. NGOs); “traditional environments” (where victims of sexual exploitation are seen as prostitutes); the “reality” that many times victims are not able or cannot see themselves as victims; further, victims may be afraid of deportation and other forms of repression; victims might also be worried for their safety and for safety of their families etc. (Simeunović Patić, 2008, p. 71, 74). Patić presents both conceptual challenges (such as different understandings of what ‘victim’ means) and institutional challenges (such as a lack of reliable national victim protection mechanisms) to identification together. Therefore, the challenges are not presented systematically. In addition, there are many other challenges that are not covered by her work.

Only Mijalković’s article appears to go systematically through some of the conceptual challenges to identification. At one point, he even presents what can be seen as a challenge to identification of Romani victims of forced marriage. Having considered the lack of knowledge documented in his study, the author endeavors to come up with new categorizations. “By the degree of social threat”, he says, “we can distinguish customary and criminal human trafficking”. He defines customary trafficking as “traditional” and “false” and a reflection of the patriarchy. There is another new category he calls “customary-criminal trafficking”. This means that those who “sell” do not intend to exploit when arranging marriage for his/her daughter/son, but the “buyer” victimizes a person by putting her/him in a position of “slavery” or exploits her/him in some way (Mijalković, 2008, p. 20). To what extent this new classification corresponds to the context, more specifically, to knowledge of local Romani communities, is not clear. Nor it is clear why the “custom”, as a “reflection of patriarchy”, is necessarily related to trafficking. Further, we do not learn what the author means by “patriarchy”, nor do we learn what the effects of this kind of trafficking are or what should be done about “traditional trafficking” and why and how “traditional trafficking” is “less dangerous” than ‘real’ trafficking.

To conclude, few researchers mention challenges to identification of trafficking victims in the Serbian context. In fact, no research puts to the test any of the mentioned conceptual and institutional challenges in terms of in-depth research. The major reason for this is that there are very few researchers in Serbia concerned with trafficking. Those that are have backgrounds exclusively in criminology and law enforcement (such as the previously mentioned two authors). In addition, there is no study that addresses forced marriage and forced begging in relation to trafficking, even though anti-trafficking policies on both the international and national levels define them as forms of trafficking in human beings and even though the national anti-trafficking mechanisms do identify “victims” of forced marriage and forced begging as victims of trafficking. None of the issues mentioned here have been explored, which leaves us in a situation where we have identified “victims” of something we are in no position to understand.

3.2. Serbian Anti-Trafficking Policies and Identification

Simeunović Patić also discusses improvements in facing problems of identification. She mentions the existence of national referral mechanisms and many so-called indicators. Diverse international actors have created “common” and “specific” indicators designed to standardize procedures and enable easier

identification of victims of trafficking. Even though the author argues that developing the indicators is a very important step, she also asserts that this is far from enough because these alone cannot secure accurate and timely identification:

Although an emphasis has been put on the importance and complexity of identification of the victims, it has to be stated that this is not enough to ensure efficiency. An efficient identification would [] rely on empirical facts about the nature of the phenomenon of victimization by trafficking, both on those of the general character and those specific, related to specific forms of trafficking (Simeunović Patić, 2008, p. 73).

It is important to note that the indicators she is listing in her article (created by international policy actors) are detached from the context, although they are grouped around trafficking forms. She also adds some new indicators, however, indicators of forced marriage are not listed anywhere here. Forced marriage is not even mentioned in the author's critical reflection.

The Center for Human Trafficking Victim Protection, the national body which formally identifies trafficking victims, uses indicators for identifying trafficking victims that have been developed by international bodies, specifically, the UNODC and the ILO (GRETA Report, 2013, p. 37). Yet again, there are no indicators provided in relation to forced marriage. Indeed, we can note here that these indicators, developed by the international bodies, also lack contextualized knowledge.

The UNODC, the UNHCR and the IOM joint program covering anti-human trafficking in Serbia developed a publication in 2011 recommending two sets of indicators:

- specific indicators as a basis for detection of victims by professionals working in the social protection, health, and educational institutions and
- indicators for identification of trafficked children in relation to different forms of exploitation, in particular forced marriage, forced begging and forced petty crimes, trafficking for pornography, and labor exploitation (Galonja & Jovanović, 2011, p. 114, 119).

The second set of indicators, in fact, does not exist. The first set of indicators has been recently developed for schools, social care centers and the police.⁶ These indicators are not grouped around specific forms of trafficking. They are made for the above-mentioned local institutions to help them recognize trafficking cases. There are separate lists for schools and police and then two lists for social care centers (one for children, one for adults). The indicators are categorized in relation to *domains* (for schools, the list includes items such as student's behavior, student's looks, family life, life conditions etc.; for social care centers, it includes housing conditions, health issues, working children, way of communication etc.). These indicators are divided into two or three tiers: for example, into *common* and *specific* indicators. There are also symbols to refer to the intensity of an indicator (weak, moderate, strong). Even though these indicators themselves are not enough to significantly improve identification, trainings for their implementation into practice have taken place, which were then reported to have had a direct effect on the increased number of trafficking cases reported by social care centers to the Center for Human Trafficking Victim Protection.⁷

6 <http://www.centarzztlj.rs/index.php/aktivnosti/item/65-objavljeni-indetifikatori-za-preliminarnu-identifikaciju-%C5%Bertava-trgovine-ljudima>

7 The indicators are available at <http://www.centarzztlj.rs/index.php/component/k2/item/69-primena-indikatora-za-preliminarnu-identifikaciju-%C5%Bertava-trgovine-ljudima>, last access November 5, 2015.

Importantly, these are finally indicators more specifically referring to forced marriage. However, this reference is only made in the set developed for social care centers, while in practice it is schools that are more likely to recognize victims of forced marriage. Additionally, as we will soon see, at least one of the three indicators provides us with a very problematic definition of forced marriage – the “practiced custom of ‘buying bride’ which involves ‘compensation for buying’ that exceeds the usual, acceptable, and understandable symbolic amount”.⁸ There are important preconditions for developing indicators for specific forms of trafficking. Even the above-mentioned UNODC/UNHCR/IOM publication argued this, saying that “knowledge on specificities of trafficking and especially of vulnerable social groups and risks of victimization are essential to properly identify the indicators” (Galonja & Jovanović, 2011, p. 20).

4. ANALYSIS – PART 1: CONCEPTUAL CHALLENGES TO PRELIMINARY IDENTIFICATION OF SPECIFIC 'FORMS OF TRAFFICKING' ASSOCIATED WITH ROMA

In this chapter, I begin to present the results of my analysis. I will show the relevance of systematically presenting and discussing conceptual challenges to identification while in consideration of Romani ‘victims of trafficking’. The first part of the analysis will be about conceptual challenges to identification of forced marriage. After that, I present the analysis of the concept forced begging. Examination of the local level has enabled me to delve into the complexity of these concepts, both generally defined as forms of trafficking in human beings by international and Serbian anti-trafficking policies.

4.1. Forced Marriage

Forced marriage in the national discourse, policies, and legislation

Serbian anti-trafficking policy discourse generally understands *forced marriage* as a form of human trafficking. It is frequently mentioned in reports made by national anti-trafficking institutions and organizations and in works of most prominent authors (see for example Morača, 2013; Anđelković et al, 2011; Galonja & Jovanović, 2011; Nikolić-Ristanović et al, 2004). However, forced marriage is excluded from mention in legislation and relevant national strategies. Forced marriage is not mentioned in the draft of the *National Strategy to Prevent and Suppress Trafficking in Persons, Especially Women and Children* (the Anti-trafficking Strategy, 2013) nor in the section on trafficking in the *Strategy for Improvement of the Status of Roma in the Republic of Serbia* (the Roma Strategy, 2010). The fact that forced marriage is not in these strategic documents is surprising, especially taking into account the national anti-trafficking policy actors’ specific concern over a report on trafficking situation in Serbia, the *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia*, where it is addressed (GRETA, 2013). Regardless, the Serbian Center for Human Trafficking Victim Protection formally identifies victims of forced marriage every year. One victim has been identified this year (until June), four victims in 2014, ten in 2013 and seven in 2012.⁹

8 Ibid.

9 The data are available at <http://www.centarzztlj.rs/index.php/statistika>, last access November 5, 2015.

Similarities and discrepancies between the international, national, and local level discourses

In the first phase of my research, I noticed that the national anti-trafficking policy actors were using the concepts of *early*, *arranged*, and *forced* marriage interchangeably. This is not to say that the interviewees cannot differentiate between the concepts. However, it can be noted that there is no consciousness about the necessity to distinguish between them when talking about trafficking. This is the general situation when it comes to the anti-trafficking policy network at the national level, but it is not very different on the local level. Almost every time I asked about forced marriage, local policy actors' answers explicitly related to either early or arranged marriage, or both. Essentially, the concept *forced marriage* practically does not exist in narratives of local policy actors. My conclusion is that this concept simply does not exist in the scope of the local knowledge, since they used the term 'forced marriage' only when cued to do so. I understand this to mean that the concept comes from "above", from the international level, and that there are difficulties in terms of its entering into use within national and (especially) local anti-trafficking policy discourse. Despite the fact that the concept was unknown (or at least unclear) to literally everyone I interviewed about trafficking, it has entered into anti-trafficking practice. As stated above, there are people identified as victims of forced marriage every year.

When it comes to Romani communities, international and national policy actors tend to represent marriage as barbaric, oppressive to girls, a human/women's/child rights violation, and trafficking. However, none of the representations mentioned above are meaningful to local anti-trafficking policy actors because these phenomena are complex and cannot be looked upon in these simplistic ways at the local level. Of note, boys are also subject to early/arranged/forced marriages, even though girls are understood as more severely affected. It is true that there are more underage married girls compared to underage married boys; it is the girl who leaves her family and moves into boys/man's home and there are other gender-based inequalities (such as differences in extent of risk to gender based violence, diverse forms of exploitation etc.). Nevertheless, boys are rarely referenced in the international and national policy discourse as victims of early/arranged/forced marriages. These concepts are generally feminized. On the contrary, interviewed local policy actors gave many examples in which boys could be understood as victims. Some of the local actors even used more examples of early/arranged/forced marriages of boys than they did of girls.

The most popular claim made about Romani marriage by international and national policy actors – "This is not about culture!"

Due to the conception that early and arranged marriages are part of 'Romani culture/tradition', some of the local policy actors have begun to associate the new concept of forced marriages with 'Romani culture' and 'Romani tradition'. One of the members of a local anti-trafficking team (a social worker) stated that *forced marriage* is a "Romani customary law". However, the majority of my interviewees did not agree that early/arranged/forced marriage is a Romani customary law. Neither do they believe it should be understood as Romani culture or Romani traditions. Most of them stated that early (and) arranged marriage is a traditional or cultural element, but even if they use the terms 'culture' or 'tradition', they do not associate it with belonging to the Romani community. Rather, they connect it with discrepancies in levels of education between the majority and Roma, especially women: "The fact that something is tradition doesn't mean it is *Romani* culture. This was also Serbian tradition, but it simply changed with an increase in women's level of education". Indeed, that "delayed" marriages

and later childbearing tend to occur in families with higher educational attainment and other social advantages is something that sociologists have argued for a long time (see for example Martin, 2002).

It is very important to talk about early/arranged/forced marriages in relation to 'Romani culture' because many researchers, human/women/Romani rights defenders, and policy actors at both the international and national level argue that this understanding is something that prevents state actors from acting (see for example ERTF & Phenjalipe, 2014). This is also what my interviewees on the national level stated. I cannot claim that this is not generally the case. However, it is certainly not a clear cut case in the localities I examined. Firstly, many Roma, including those from the civil society, also have the understanding that early (and) arranged marriages are part of 'Romani culture/tradition'. Importantly, most of the interviewees (both Romani and non-Romani) acknowledge that neither early nor arranged marriages are simply an expression of culture. They emphasized that different factors are in play, such as poverty, marginalization, discrimination, patriarchal social relations, love, school dropout, sexual intercourse outside marriage, pregnancy, and many other factors. One of my interviewees even added bad performance in school as a factor; Romani parents may make the decision to marry off their child, not intended as punishment, but as something meant to give new direction and meaning to their lives. Nevertheless, in any case, even those who related early/arranged/forced marriage with 'culture' indicated they do not "approve" of these practices and, therefore, this diverging understanding, in and of itself, cannot necessarily be seen as a barrier that prevents local policy actors from taking action.

The relationship between 'early' and 'forced' marriage

Early marriage is understood by definition as 'child marriage', which means the union of two persons where at least one of them is younger than eighteen.¹⁰ This is how early marriage is defined by international, national, and local policy actors. National and local policy actors are aware of the international definition of the child and they accept it as correct, even though Serbian policy and legislation system are far from compliance with the United Nation Convention of the Rights of the Child from 1989.¹¹ For example, the Family Law allows child marriage: "The court may, for justified reasons, permit marriage of a minor who has attained 16 years of age and reached physical and mental maturity necessary for exercising the rights and duties of marriage".¹² All of my interviewees are familiar with this clause and they are not critical towards it. Yet, among the local anti-trafficking policy actors, there are different conceptualizations of *early marriage*.

For example, in response to my interview question "In your opinion, is every early marriage forced?" one Romani NGO representative (also a schoolteacher assistant) answered: "No [...] every Romani girl wants to try [going out, dating, sexual intercourse]. So, if she is head over heels for him and he is head over heels for her..." She also argues that early marriage is not tradition, but it is a consequence of a specific element of the tradition and/or culture. The element, repeated in the arguments made by some of the local actors, is *virginity*:

10 For example, see: UNFPA (2012), Child Marriages in Serbia, available at <http://eeca.unfpa.org/sites/default/files/pub-pdf/unfpa%20serbia%20overview.pdf>, last access November 5, 2015.

11 Convention on the Rights of the Child, available at <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>, last access November 5, 2015.

12 The Republic of Serbia, Article 25 of the Family Act, available at <http://minoritycentre.org/library/family-act-serbia>, last access November 5, 2015.

This (early marriage) is neither culture, tradition, nor a custom, in my view. You know, Romani parents do not allow girls to have boyfriends. Every Romani girl has a need to go out, to have boyfriend, to visit a café [] to be able to go out, like Serbian girls. A Romani girl has a need for sexual intercourse when she is fifteen, sixteen, and seventeen; like Serbian girls. The thing is that our girls have to remain a virgin until they get married... Yes, this is still common. We hope once it will not be [...] This is why they get married early. Because they have the same needs.

One of the conclusions of the policy actors regarding this issue is that no one has dealt with early marriage in this way and this is the reason that we now “try to cure consequence instead of cause”. One social worker also argued against the understanding that every early marriage is forced from a different perspective: “No, I wouldn’t agree because we do approve some underage marriages. I have practical experience. This mostly is about the ‘falling in love’ phase [...] and because of pregnancy.” She does not mention concerns about virginity as a factor leading to early marriage.

What I noticed is that, in general, the people who work more closely with Romani communities do not find the phenomenon highly problematic, while others do. Local policy actors who do not possess sufficient local knowledge argue that every early marriage is forced, “because they give birth at the age of fifteen or sixteen, which is not good for a child; she is not ready to be a mother, for organism, as a personality [...] There is a right time for that [...] because maternal instinct is developing when it’s developing and it comes in time”. The argumentation given by the interviewed local actors not involved with the communities is not clear, however, it is in line with the international discourse which says that a girl’s body and mind are not ready for marriage and that it deprives her of basic rights such as the right to education, health, and long-term plans for future (UNFPA, 2012). Different ways of looking at the problem also affect the ways policy actors see the solution. In general, while those who are not involved with the communities emphasize raising awareness in the communities as the solution, others see it as part of the process as well, but in a different way: they see the solution as putting effort into (continuing) to create equal opportunities for Roma.

It is also noted that those local actors who do not work closely with the communities are mentioning marriage of girls who are thirteen, fourteen, fifteen and sixteen years old, while those who work and/or live in the communities state that the average age Romani women marry has changed in the last ten years. They see this as the result of programs targeting Romani children’s education: “The borderline has changed. Our girls finish elementary school, they enroll into high school, some of them finish. Nowadays, the borderline is seventeen or eighteen. Before, it was fifteen, or sixteen”. Even though there are still arranged marriages in elementary school (sometime in 7th or 8th grade, which means the children are under eighteen), my interviewees, especially those who work or/and live in the community, confidently argue that in a ten-year period, the average matrimonial age rose by some two or three years. In addition to the understanding that not every early marriage is forced, this is another reason why some local anti-trafficking policy actors do not perceive early marriage as a burning issue anymore.

The relationship between ‘early’, ‘arranged’ and ‘forced’ marriage

The second positive development according to my interviews is connected more with *arranged marriages*. For example, as M. Shahe Emran argues, level of education effects freedom of choice regarding a spouse (Emran et al, 2009). My interviewees argue that “if she manages [not to be married by] sixteen or seventeen, she is not going to get married [...] only later, at around eighteen, nineteen, or twenty” and

“simultaneous to the increasing level of a girls’ education, arranged marriage is getting repressed”. I was given several examples of Romani children who managed to confront an arranged marriage situation. We can take both these (delayed marriage and Romani resistance when it comes to arranged marriage) as positive developments, and yet this news has not appeared to have reached most of the policy actors. Additionally, the general public does not know that sometimes marriages of Roma are arranged early, but their “realization happens several years later”. Regardless, the fact is that most the marriages within these communities are still considered ‘early’. They are no longer occurring at the age of fourteen or fifteen (at least it was not that common in the localities I visited), but the average matrimonial age still does not conform to societal norms.

Furthermore, according to my interviewees, most of the marriages are arranged by the parents: “The great majority of them are arranged. They are arranged mostly from a foreign country – Belgium, Germany, France. A good thing is that those from Belgium, for instance, want a girl who has finished high school, so they can better fit into the system. They want the best start for the couple [...] in this way it is much easier to find a job”. As a reason why Romani parents arrange marriages early for their children, one of my interviewees presented the virginity argument. She believes that they do so because they fear the girl will soon be “loosing virginity”. However, the most frequently stated reasons tend also to be very interrelated: poverty and the hope that the girls will have better lives in a foreign country.

Nevertheless, most of my interviewees, even those who understand the complexity and interrelatedness of the factors, understand arranged marriages as oppressive to children because, as one interviewee put it, “children are never being asked” or because “...this is never a pleasant situation. When I asked them [boys in the school where my interviewee works] how they like the girl, they say ‘what can I say, she is nice’. I mean, they are also aware of the fact that this is a life decision, that this is something imposed on them and they are deprived of making a choice”. Another Romani NGO representative commented that “nowadays at least they let newlyweds get to know each other”. Deprivation of freedom of choice is the reason why their third colleague in this interview “would put an equal sign between arranged and forced marriage”. However, a Romani woman, an activist in a Romani community, argues strongly against this equation:

Let me say something about girls who are forced, or they are not forced, but this is what it looks like to the public. The situation is the following: extreme poverty made parents arrange marriages for their girls, not because they want to or because this is tradition, but because they want better lives for them in Western European countries. Knowledge accepted from the public... really! I mean, there are forced marriages, but it’s a small percentage... in ten years, two cases. However, the problem is extreme poverty. Parents worry about the future of their children... The law says it’s trafficking. The facts are different. Once you enter practice, once you enter a Romani settlement, the lives of the people, you can’t look at this anymore strictly in the legislative framework. You can’t look at this exclusively from within the anti-trafficking framework.

What do we mean by ‘forced marriage’?

- **The issue of contest and happiness**

Some also argue, as one interviewee quoted above did, that they rarely have cases of forced marriages, two in the last ten years. Still, some believe that there are no cases of forced marriages in Romani communities: “It depends what you mean by that [...] You think two young people don’t see each other before marriage or you think two families meet and see each other, get to know each other [...] I think in [name of the city] we didn’t have arranged marriages in which they didn’t meet... for the youths to get to know each other and to see if they like each other [...] This is not arranging, it’s more like mediation”. Importantly, even some of those who use the term arranged marriage believe that this is not bad since it does not necessarily bring negative outcomes. One social worker argued that “[w]e had here an experience when a bride, a groom, and their families were all very satisfied. These families are healthy families [...] maybe this is not generally acceptable by some standards, to us, but it is part of their culture, and if we want to accept diversity, I can accept”. In this case, this interviewee did not emphasize ‘culture’ as something that would prevent her from “action” but rather she argued that she does not see why she would “break up a healthy family”. She also gave an example of a couple whose marriage was arranged, but they were very happy together. The social worker met them in the adoption process: they could not have children, so they adopted a child. She states that this cannot be defined as human trafficking.

- **The money issue**

Often, early/arranged/forced marriage is understood in relation to money. Many of the anti-trafficking policy actors refer to *selling* and *buying* a girl. The money that a girl’s family gets, according to most of my interviewees, is “small” (EUR 500 to 5,000). However, a representative of the police I interviewed argued that if the money is “bigger” - for example, EUR 3,000 or 4,000 or more -, then there is “something behind it”. Romani activists I interviewed said that people take the money in order to organize the wedding ceremony; however, this police officer does not believe it is the case, especially when “bigger” amounts are taken. With this line of argumentation, it is an obvious dilemma in deciding how much money is ‘too much’, at which point one may suspect that something may be wrong and the exchange of money should be understood in the context as under suspicion of trafficking. One Romani NGO activist and teacher assistant states that “this [arranged marriage] is called selling or buying but, a long time ago, they were paying 25,000 to 30,000 euros for a girl. Nowadays the sum is ranging from several to 5,000 euros, which is not really ‘buying’ but it is given to give [the couple] a good start [...] The bride’s parents take this money, but they don’t take this for themselves”. She says they take it for renovation of part of the house, to furnish it, or to buy a house. Some of the policy actors say that exchange of money occurs less frequently nowadays or it is just a “symbolic amount involved, several hundred euros”.

One Romani NGO finds is that Roma want “to separate tradition from criminal acts”; they do not want “the word ‘selling’ to be associated with Rroma culture” (Bibija, 2004, p. 4). Most of the anti-trafficking actors, however, argue that it is poverty, and not tradition, that makes a girl’s family take the money. The poorer a family is, the greater the likelihood that they will be “problematic in this regard”. Interestingly, one of my interviewees explains that accepting money was not a tradition of the Roma from that city, but the tradition was overtook from the internally displaced Roma from Kosovo,

because of poverty, so they can “get some money to make a little wedding, to show to the others that they also have something”. This is a very good example which demonstrates that what is meant by ‘culture’ is socially constructed. Indeed, it has been argued that the “custom is related to Islam rather than Roma” (Catholic Relief Services (CRS), unpublished paper, p. 104). Nevertheless, even when there is no money involved, a girl’s family can decide to arrange a marriage because there will be “one less mouth to feed”, a representative of an NGO adds. One social worker argues that the exchange of money ought to be disassociated from trafficking: “You have arranged marriages among Croats, Serbs, maybe not that many, but still [...] What is a dowry? Bride brings [...] Two families agree, you will get this and that [...] If we are going to talk about arranged marriages as exploitation, then we should widen it to everyone”.

- **The issue of exploitation**

My social worker interviewee went on to mention *exploitation*, arguing that exploitation occurs when the marriage is not “consummated on mutual satisfaction”. I assumed that she was referring to ‘exploitation’ because it is one of the key concepts in the definition of *human trafficking*. This creates additional confusion for anti-trafficking actors because it brings greater complexity to the questions regarding: first of all, *what is meant by forced marriage* and, secondly, *what makes forced marriage a form of trafficking*. The definition of trafficking states *exploitation* as a *purpose*. Yet, according to my interviewees, neither the Romani parents involved nor the “new” families have this intention - although what happens after a child/person is in the new family is yet another ambiguous question. Many of interviewees were generally concerned as to whether a girl whose marriage is arranged in a foreign country is going to have a better life or not.

One of the key questions is *who the traffickers/exploiters/perpetrators are when it comes to forced marriage*: the parents, the new family, or both of them? This turned out to be one of the burning issues. From an interviewee’s story, I concluded that a prosecutor manipulated with the lack of knowledge on who is the trafficker: charges were not put on the parent “because he [the prosecutor] decided that the parent is more useful as a witness”. In addition, the case was presented as a trafficking case, but the interviewee who told me this story explained that what happened is the father did not receive the money he was promised and then called the police. In fact, the girl’s consent and her happiness was not even mentioned by my interviewee while he was explaining the case to me. None was concerned with the risk of exploitation. Nevertheless, local anti-trafficking policy actors, especially if Romani, may argue that the children are deprived of their rights to education and freedom of choice, but they generally do not lay the blame of Romani parents. Rather, they consider the system of inequalities the perpetrator (to use anti-trafficking terminology). In considering the comments of my interviewees regarding the question of how much money is needed to deem a case one of trafficking and how arbitrarily it can be decided who the exploiters are, I have come to the conclusion that defining forced marriage (as understood by the local policy actors) as a form of trafficking needs serious reconsideration.

Confusing sex for marriage

Interestingly, there are other phenomena which may be confused with forced marriage. An anti-trafficking actor described a case to me: “A married man, who was older than the girl by at least fifteen years [...], she was underage, around fourteen or fifteen years old. He dragged her into a car and took

her [...] This was a case of forced marriage. He is an adult, twenty-eight years old. He dragged the girl in the car and took her”. When I asked why he thought this was a marriage, and not, for example, sexual exploitation, he answered: “Well, the law doesn’t allow underage children to enter into marriage; under sixteen, you can’t”. When I suggested that maybe it was actually a case of trafficking for sexual exploitation, he said the guy had sexual intercourse with a minor and that this is as well something that the law prohibits, referring to pedophilia and bigamy, but still not to trafficking for sexual exploitation. To me, this example sounded more like one of kidnapping rather than trafficking. I did not come to the conclusions of my own regarding the question why my interviewee classified this case as a case of forced marriage. Yet, I assume that it can be related to the fact that forced marriage is always associated with Roma within the anti-trafficking policy discourse and that trafficking for sexual exploitation is not an ethnicized concept. Another explanation might be that the particular details of this incident were taboo subjects for the interviewee; however, he then continued to speak freely to me about sexual exploitation and prostitution, so I dismissed this theory.

Formal identification under question

The Center for Human Trafficking Victim Protection does formally identify ‘victims of forced marriages’, despite all the complexities and uncertainties that present themselves once we include contextualized knowledge (as well as lack of knowledge). The Center is deemed the sole authority on whether someone is a victim or not, while even the Center’s employees themselves explicitly express uncertainties regarding the phenomenon. At first, its representative easily defined forced marriage as “trafficking for marriage” [...] “a girl, mostly underage, sometimes younger than fourteen, is sold into marriage”.¹³ According to this definition, forced marriage is a matter of age and money. This generally does not correspond to the knowledge of local anti-trafficking policy actors. Moreover, the representative claimed that lack of identification happens “because these things are hidden”. (Only one of my interviewees mentioned that it is difficult to find out what is really happening in the Romani communities and that was a representative of the police.) However, she then admits that they have difficulty in determining “what trafficking is when it comes to forced marriages”. She went on to argue that “[a girl] does not have to be exploited if someone gets money for a marriage”. She then asks a rather suggestive question, one that reinforces the international and national decontextualized discourse: “Is in her best interest to stay there, to give birth to a child for whom she is neither emotionally nor physically mature enough [to take care of], instead of finishing school?”

One of the interviewed anti-trafficking policy actors expressed dissent with the Center when it comes to determining if someone is a victim or not. A social care center employee gave an example of a girl that she “kept [...] in a shelter for two months, until she reached the age [for legal marriage]. She doesn’t want to go back to her mom’s; there she has to dumpster dive and here she cooks”. The social worker tells yet another story: “A boy works in Italy. Arranged marriage. She gets pregnant. She lives with her in-laws. She couldn’t get health insurance; she needed a change in address. When she showed up at the police station, they suspected they are in the presence of a trafficking victim... ‘I don’t want to go to my mom, I like it here.’ They took his passport away from him. He lost his job. The case is being processed. She is with him, they are still happy together”. This social worker was not the only

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

one to question the central authority charged with identifying trafficking victims. However, in regards to the study presented here, the indicators upon which the Center decides if someone is a victim of forced marriage are beyond the scope of this research. Be that the case, my conclusion here is that it would be very important to study formal identification regarding 'forced marriage' as well as to the questionnaires the employees at the Center use to interview a presumed victim.

Discussion

In this chapter, I have drawn many conclusions about the concepts of early/arranged/forced marriage. Firstly, there is no common understanding of what each of these concepts mean. Moreover, there is no conscious discourse taking place concerning the relevance of distinguishing between these three. In addition, there is no conscious discourse on the relevance of trying to understand the ways these are related to each other. Importantly, the concept 'forced marriage' is not even part of the local knowledge. Once policy actors start using it (motivated by the interview questions), they expressed uncertainty when it came to the meaning. Out of all those interviewed, only one of them strongly argued for differentiating between the concepts and against the understanding of early/arranged marriages as *forced* and/or as *trafficking*. Only a few of the others stated during the course of their interview that anti-trafficking policy actors' uncertainty over the meaning of these concepts/phenomena is highly problematic. Therefore, the major dilemma turned out to be, not a question of lack of identification, but the question of what to identify. Policy actors were not remotely close to coming to agreement on whether early and arranged (or early arranged) marriages are forced or not. While actors who lack local knowledge (meaning that they lack the contextualization of the concepts), characterize early/arranged marriages as forced, others do not believe that this is the case.

Furthermore, not a single one of the anti-trafficking policy actors sees such marriages exclusively as a cultural or traditional element even though both Roma and non-Roma do define them as part of the culture/traditions/customs. They clearly understand this as not Roma specific in any way. This finding is very relevant because, as I have mentioned, many anti-trafficking actors on the international and national level have an understanding that seeing early/arranged/forced marriage as a Romani cultural and internal issue is what hinders identification of Romani victims. I contend that a greater part of the puzzle is connected with the conceptual challenges I mentioned earlier in this chapter: What is early marriage? What is arranged marriage? What is forced marriage? How are these three related? How do we differentiate between them? Only forced marriage is defined as trafficking in the anti-trafficking legislation and other policies (sometimes we can find the term 'trafficking for marriage'), but this is not the case at the local level. The local level provides us with the questions: What elements cause forced marriage to be understood as trafficking? Is it because it is about minors, (and in relation to this) the lack of consent, (again in relation to this) the fact that the marriages are usually "arranged" by parents, the exchange of money, or the assumed risk of exploitation by the new family?

The problem is that the anti-trafficking policy actors on the national level internalized the discourse of the international community. National anti-trafficking policies were created without local knowledge, representing a clear top-down policy approach. National policy actors have tried to transfer the concept 'forced marriage' to the local level. However, local level policy actors' knowledge, being much more complex, has reacted to this with uncertainty and confusion. This is why, theoretically, it is impossible to take any step forward in terms of identifying Roma as victims of forced marriages. Most of the time,

however, it is not about uncertainty and confusion. Instead, it is about different understandings of forced marriage that cause of disagreement between the national and local anti-trafficking policy actors and among the local policy actors. Therefore, if we were to consider contextualized knowledge the priority, I would be inclined to argue that the national anti-trafficking institution (officially responsible for identifying victims of forced marriage) does not in fact identify victims of forced marriage and, at least on some occasions, harms both local Romani communities and, especially, the girls it intends to protect.

4.2. Forced Begging

Forced begging in national discourse, policy and legislation

The concept *forced begging* is similarly troubled. Within Serbian anti-trafficking policy discourse at the national level, forced begging is generally understood as a form of human trafficking. As with forced marriage, it is always mentioned in the reports of national anti-trafficking organizations and works of prominent authors. In contrast to the case of forced marriage, however, it is also mentioned in the draft National Strategy to Prevent and Suppress Trafficking in Persons, Especially Women and Children (the Anti-Trafficking Strategy, 2013). In addition (and again in contrast to the case of forced marriage), forced begging is included in the definition of trafficking in the Criminal Law, Article 388.¹⁴ The Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia does make mention of it as well (GRETA, 2013). The Strategy for Improvement of the Status of Roma in the Republic of Serbia (the Roma Strategy, 2010) does not refer to forced begging at all in regards to trafficking. In fact, no part of the document is concerned with *begging* either. In conclusion, (besides the Roma Strategy) forced begging is a concept which is prevalent in the most relevant national policies and legislation. Importantly, the Center for Human Trafficking Victim Protection formally identifies victims of forced begging every year. One victim has been identified this year (up to June), three victims in 2014, eleven in 2013, and fourteen in 2012.¹⁵

Begging or forced begging?

My previous research on national policy actors' discourses showed that, much like *early/arranged/forced marriage*, *begging* and *forced begging* are used interchangeably. Even though there was no agreement on if most of the cases of begging in Serbia are forced or not, generally and simplified, begging seems mostly understood as related to *poverty*, while forced begging is mostly understood as related to *organized criminal activity* - either initiated by family member/s or by a third person. As in the case of forced marriage, the discourse at the local level brings much more complexity to the picture. Research on begging says that professionals in South Eastern Europe "lack clear and unambiguous grasp and use of this term" (Save the Children, 2011, p. 12). So, if professionals lack knowledge regarding *begging*, those who study trafficking in human beings must question further knowledge of the concept *forced begging*.

14 Krivični zakonik Republike Srbije («Sl. glasnik RS», br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013 i 108/2014) [Criminal Code of the Republic of Serbia], available at http://www.paragraf.rs/propisi/krivicni_zakonik.html, last access November 5, 2015.

15 The data are available at <http://www.centarzztlj.rs/index.php/statistika>, last access November 5, 2015.

(De)contextualized knowledge

Local policy actors sometimes know exactly which families, from which locality/village, go to the city or send their children to the city to beg: “This is a family business, so to speak. This means, that, for instance, the grandfather is the organizer of the whole family. He drives them to the city, lets them go, and they start... It’s not that they work for someone, it’s a family thing”. Another interviewee, while talking about the same family, calls it a “pure form of begging”...“This is what we mean when we say ‘they work as beggars’”. This is, for example, something that my interviewees also called “organized begging”. In any case, this is defined in negative terms because the families from the concrete locality are known for making the money out of their kids’ begging - not as a survival strategy, but as a business. Another type of “forced begging” or “organized begging” is when “a woman sits with a small child”. In this case, according to some of my interviewees, a husband/partner is involved as trafficker. The third manifestation is related to “renting” children to a third party, who then uses them for begging. These forms, according to the definition, could easily be defined as *trafficking in women/children*, where parents or other family members, a partner or husband, or a third person is understood as *trafficker* who *transports* or *receives* them, and *exploits* them to gain material benefit. It seems that there are no conceptual dilemmas when the context is known. However, only a few of the interviewed local policy actors gave me information on concrete families involved. Maybe even more importantly, their knowledge was based on either their own assumptions or even on the assumptions of other people who “told them about what is happening”.

Policy actors argued more confidently when they knew the context – a specific village or a specific family - even when the contextualized knowledge was based on the policy actors’ assumptions and, interestingly, frequently, it was related to “some other people from some other place” (not their city). Nevertheless, the local anti-trafficking policy actors mostly and in general do not agree on what is happening in their cities. There was only one case when they agreed. For example, there are a lot of Roma begging/working/washing windshields at road junctions. An anti-trafficking expert from the local police confidently argues that this is organized crime and exploitation. Another NGO interviewee told me a story about a family living in his neighborhood:

A Romani family illegally moved into a place. This was a dilapidated little house. They were washing windshields. There were like ten of them, and of course, there was drugs and all those things. They weren’t making trouble. Simply, we are coming back from a night out and we are picking them up [...] because they were using all kinds of stuff. But, I know there was a man, of Serbian nationality, who was bringing washing liquids [...] and other things as well; some sponges. He was there all the time with them; also bringing food. So, this is why, based on that experience, I could conclude that they were bringing the money to him and then he was giving them something in return.

No one suggested there were any attempts to investigate these cases even though there were many people who were almost certain that the particular phenomenon, in that particular locality, is an organized crime. Even when local knowledge “reaches consensus”, no action is made by the authorities nor reported by citizens. At least, there were no official reactions to this scenario. (For more about institutional conduct, see “Institutional Challenges to Identification”.) Thus, it can be said when there is no contextualized knowledge about a specific phenomenon, a specific locality, or connected with a specific family, there is no possibility to reach consensus.

Begging or work exploitation?

Larger conceptual dilemmas around forced begging are more explicit in generalized discussions about Roma children and begging in the localities. This is related to the question as to whether the phenomenon (or rather what phenomena) can be defined as *(work) exploitation, forced begging, maltreatment, abuse* or if none of those terms are to be used. A police officer (in charge of an anti-trafficking unit), although he told me about one forced begging case which had been solved, generally puts “abusing children for begging”, “sending children to steal or collect paper or other recyclable material” under the concept *work exploitation*. On the other hand, he understands the phenomenon as something caused by “having no other choice”...“Every time one enters these environments [Romani communities] to see what is happening, no one disputes it – simply, it is happening because something has to keep you alive”. He considers poverty a main factor and therefore defines “senders” as exploiters with no intention to exploit. Interestingly, he de-ethnicizes begging justifying this in two ways: Firstly, he puts begging under the umbrella of work exploitation. Secondly, he observes that many people in Serbia face work exploitation and that we cannot “declare the whole [Serbian] nation victims of trafficking”.

One Save the Children publication states that when it comes to defining begging as a situation where adults or/and children ask for money, the criteria are almost identical. However, policy actors’ views vary when it comes to children selling material items, washing windshields at the road junctions, helping people park their cars, or singing (Save the Children, 2011). Save the Children asks: where to draw the line between child begging and child labor? I argue that this particular extension of the meaning of begging exists because the vast majority of these children are also Romani and the line is located somewhere between Roma and non-Roma. I did not specifically ask my interviewees about non-Roma. All we need do is look in the media, where non-Roma children who are engaged in such work are represented as poor, nicely behaved and hard-working.¹⁶ “There is a clear indifference towards Romani child labor, as well as towards their extreme poverty”, Catholic Relief Services argues (CRS, 2002, p. 98). Only one interviewee responded somewhat differently. A Romani woman activist extended the meaning of of begging to some situations in which non-Roma are involved:

What do you think when you see, in the city center of Belgrade, [...] young people, students or artists, who have a violin case, a hat, or a box in which the citizens throw money? Is that not a form of begging? In [name of the city] you have members of the majority population and members of Romani population begging. Well, some do it in a way that they play music or draw or do some performance, sing, whatever, and you have Romani children who hit a darbuka or they have simply a box in front of them and they just sing. Well, now, depending on education, people earn in different ways.

Another key difference between my Romani and non-Romani interviewees involved the discourse on Roma and work. While non-Roma do not mention involvement of Roma children in work, Roma do. They often talk about Romani children working at markets (selling goods) and collecting secondary raw materials. Local Romani policy actors not consider it exploitation when children are engaged in these kinds of activities, even if they do express concern that the activity is a reason why some children do not go to school, which often happens.

16 Blic Online, Srce za decu: Svako leto provedu radeci za nadnicu [Heart for Children: They spend every summer working for the wage], available at <http://www.blic.rs/Vesti/Drustvo/581065/SRCE-ZA-DECU-Svako-leto-provedu-radeci-za-nadnicu>, last access November 5, 2015.

Romani children: victims or exploiters?

Further, some of the interviewees extend the meaning of begging to situations where children wash car windshields at road junctions and ask for money. However, their argumentation is not equally as interpretative. For example, one stated: “We say ‘she/he is working’. No! Work has its price, its form, and its working hours. [Washing] windshields is a sophisticated form of begging. If someone forces us [to do something] in a way in which she/he risks her/his life and other people’s security in traffic and disrupts the functioning of the society at the crossroads, this person is not working: she/he is begging”. We can also note here that the emphasis is on the *citizens* who are “disturbed” and whose lives are “endangered”. Even if the interviewee mentions that the lives of the children involved in the phenomenon are at risk (which only one interviewee did!), they imply that risk is caused by the children themselves. Even in sociological definitions of begging, the citizens the children ask money from, rather than the children themselves, are seen as put at risk. Sociologists tend to define begging as “a social deviation and a social problem which includes gaining material benefit by asking for it from other people, irretrievably and without any service provision” (Milosavljević, 2003). Another author defines begging as a way of gaining material benefit by using people’s sense of compassion towards the people who are involved in it (Jugović, 2009).

“It’s in their genes”

We might say that putting everything under the umbrella of work exploitation and de-ethnicizing (forced) begging is problematic because it ignores the unequal position of Roma when it comes to all kinds of social disadvantages (for example, policy actors argue that almost hundred percent of street children are Roma). Other anti-trafficking policy actors will even reinforce explicitly racist discourse when talking about Roma and begging. One Red Cross representative’s argument that it is in “Romani genes” to beg demonstrates the most explicit version of this racist discourse: “In every [residential] building, two flats are reserved for Roma. Three days after they have moved in, they take out the floorboards, sell them, and leave the flats because they cannot live like this. They need time. They need time to change. They need to change their genes, their cells. This is why begging occurs. And everything else”. She clearly distinguishes between scenarios involving Roma and non-Roma: “Organized groups [...] when it comes to Roma [...] they have to, this is their life-style in the end”. Obviously, discourses on ‘Gypsy criminality’, which “serve to perpetuate [defamatory] images of Roma [among] state functionaries and the general public”, influence the views of policy actors (PER, 1999, p. 13). Moreover, the Red Cross representative combines racist and anti-development discourses in order to absolve herself from accountability: “If we are to change the tradition [...] I have no right, neither by Saint Peter’s mandate, pursuant to America, to impose my model”. Even though critical towards the developmental discourse, she does not offer any alternative.

“Soft” racism

Another form of racist discourse centers on ‘Romani culture/tradition’. Within this discourse, Romani parents are blamed for both the “way they live their lives” and for “the way they are”: “These [beggars and those who wash windshields at road junctions] are members of the Romani population [...] who

are vulnerable because of their culture. [...] They consider the social care center their home and cannot get out of the [social care center] system. [...] They were seeing their parents begging. They accept this as a job, as something normal”, says one social worker. This anti-trafficking policy actor considers ‘Romani culture’ as being a “traditional” part of the social care system. The interviewee provided me with the example of when parents “forced their children to wash car windshields at the road junctions”. The social care center put one of the children in a foster family, but “the mother took the child back” because, once they lose the child, “they have less money”, “their children earn for them” and “their monthly earnings decreased because they lost this child’s revenue”. It is interesting to note that the interviewee mixed both past and present tense in her narrative. When using past tense, she is referring to a specific case, but by using present tense, she is generalizing the example she is telling me about. This is a common strategy which people use to express racist ideologies, even if not intentionally.

Children’s voices missing

Sometimes the interviewees’ discourses are of an exotic variety, especially those of employees in the social protection system. For example, in one interviewee’s narrative on work exploitation, she argues that this is partly happening because “they [the children] want it themselves”. Another anti-trafficking actor says “the children stay at the street as long as they wish and not as long as they have to”. A third one explains: “This is a nice life for these children. You get money, you get ice-cream. I think that they are a little bit forced and that after that they start enjoying it, it becomes their lifestyle”. To the contrary, Save the Children argues that “children who beg and live on the street are exposed to risk of becoming economically and sexually exploited, enslaved, or trafficked. These children spend their childhoods on the street, living under terrible conditions”. Even more importantly, states Save the Children, is that we listen to the children voices. True enough, first hand children’s stories, in their own words, strongly contrast interviewee’s accounts:

Children themselves, from their own experience, testify to threats and risky situations on the streets [...] The children often talk about the dangers of traffic, the risk of trafficking in human beings, and the risks of being violently attacked. Almost every child experienced being injured at road junctions or parking places. Many of them talked about the experiences from which we could conclude that they are aware of the risks of kidnapping or attacks, especially when they beg in front of cafés and clubs, as well as in situations where they have difficulty judging the mood of the people from whom they ask money. Especially negative, they point out the experiences of being attacked by adults and some children point out that the potential hostility of attackers is greater if they think that children are Roma (Muškinja Hajndrih et al, 2011, pp. 27-28).

Children’s voices are clearly missing from this discourse. Nor are their families understood in terms of being in need of support. One social worker explained that many parents are drug users. However, she does not see them as addicts. She sees them as exploiters, perpetrators. Parents who are drug users are seen as exploiters but almost never as addicts in need of support. I found this to be especially the case when it came to my interviews with employees in the social care system. It was nearly the same situation when it came to alcoholics and smokers. One of the burning issues is a visible lack of a victim-centered approach.

Risk factors

Interviewed policy actors, in fact, do not agree and they express hesitancy when it comes to addressing the risk factors. When it comes to general talk about “begging and Roma”, some argue exceptionally that *poverty* is the main risk factor, while others argue exceptionally for ‘*culture/tradition*’. Yet others believe it is a combination of the two. Those who argue for poverty are against understanding the majority of begging cases as forced. Those who argue for ‘*culture/tradition*’ have varying opinions. They most of the time use the term ‘*tradition*’ - as they do not see this as something inherent in ‘*Romani culture*’, but rather as part of a “parental model” (nurture). However, the policy actors exhibit a level of insecurity regarding their argumentation. They also openly admit that they are not sure about the risk factors. For example, one of the interviewees talked about poverty as the major problem, but then, during our talk, she realized that in her community “the poorest family’s children do not beg”...“The mother, she is digging into trash bins and people give her leftover food, but her children do not beg.” She could not explain why this is the case. Clearly there is a need for greater contextualized knowledge as the lack of contextualized knowledge is also what prevents the policy actors from arguing more confidently about the risk factors.

Redefining (forced) begging and its effects

Another major issue is when *forced begging is redefined as abuse and neglect*. One social worker argued that “begging is very present. Forced begging is more abuse by parents. [...] When there is a situation in which child begging is [organized] by parents, criminal proceedings against the parents for *abuse* are initiated. [...] It is not only the begging that is relevant, but there are other elements, such as *neglect*”. One police officer also argues that “begging is more within a family, it is more about neglect” and that the police “didn’t have a case of trafficking for begging”. Many other interviewees agree with this perspective. Thus, even when they will use terms like ‘forced begging’, they do not think it should be defined as trafficking. Institutions also react in accordance with this understanding. From time to time, local authorities organize actions against begging. Within the framework of these actions, children under fourteen years old are understood as ‘neglected children’. Their parents are then treated as offenders. Something that I learned even in the first phase of the research is that children older than fourteen are treated as offenders, as those who disturb the “public peace and order”. Such incidences should be understood as institutional victimization.

Discussion

The main finding here is that even local anti-trafficking policy actors’ contextualized knowledge is not contextualized enough. Sometimes, rather, it is only seemingly contextualized because even if they argue confidently about what is happening in certain localities or certain families, their arguments are based purely on assumptions. Further, racist discourse is very present among the interviewed local anti-trafficking policy actors. De-ethnicization of (forced) begging can also be defined as racist because it overlooks structural inequalities visible (even if assumed) with a percentage of Romani people engaged in begging (almost 100 percent!). A textbook examples of racist discourse coincide with anti-development discourse, as was the case with the Red Cross representative. Anti-development discourse lays out an

argumentation resisting any kind of “intervention” that helps “the other” by imposing a model of “the developed world” on them. Finally, racism is also at heart of the discourse on ‘culture/tradition’.

Equally disturbing is the lack of a victim-centered approach. For instance, drug users, alcoholics, and smokers are not seen as addicts who need support, but are simply labelled exploiters of their children. In some cases, this is followed by the decision to place their children in foster families. It would not be unreasonable to presume that these drug and alcohol users face police action rather than support by the state actors. Further, local policy actors’ lack of curiosity, for instance, about how children see themselves in their situation reiterates this lack of a victim-centered approach. Social care employees often argue that the children “enjoy the lifestyle” which I see as an effect of exoticism frequently used in reference to Roma. In addition, ‘work’ is a concept not generally associated with Roma in these discourses; policy actors define begging in the same way one would usually understand the concept of work. I posit here that it is not the children who beg that are seen as endangered, but rather, even in academic discourse, it is claimed that society and those being asked for money are disturbed by the children. In the context of trafficking, this leads to more policing of Romani children and adults. This occurs because there is no contextual knowledge regarding Romani communities. There are, instead, only many assumptions made.

5. ANALYSIS – PART 2: INSTITUTIONAL CHALLENGES TO PRELIMINARY IDENTIFICATION OR CONDUCT OF LOCAL ANTI-TRAFFICKING POLICY ACTORS

The previous subchapter presented challenges related to interpretation of concepts like *forced marriage* and *forced begging* and the other concepts closely connected to these. It discussed which of these are used interchangeably, how they are understood, which of these are embraced by local anti-trafficking policy actors and which of these have been redefined and in what ways. It also shared some important insights into effects of the ways anti-trafficking debates are framed around the aforementioned issues. Institutional challenges will focus more on the conduct of the interviewed institutions and organizations. Institutional challenges are closely connected with conceptual challenges. They are relevant to the research topic because they further validate the general concern about victim identification. I will address more challenges to preliminary identification which have not been discussed in the literature. Further to this, I will not only present the conduct of anti-trafficking policy actors, but also briefly discuss how the policy actors see each other’s conduct, with special attention to the functionality of the anti-trafficking networks.

5.1. Schools

As mentioned at the beginning of the paper, schools are greatly criticized for not identifying cases of Romani children forced into marriage and begging. They are criticized for ignoring cases and absolving themselves of responsibility based on the “this is ‘Romani culture’” argument, but also for a lack of knowledge. In the two localities I visited, Romani and non-Romani school employees (Romani teacher

assistants, psychologists, and directors) were interviewed. I discovered the situation to be much more complex. The schools' major concern was Romani children who have stop attending school as a result of so many Romani families leaving the country to seek asylum in the West. In this context, the emphasis is on acting upon the law and on how to prevent children who have been away for some months from dropping out once (if) they return to the country, rather than looking at children missing from school as an indicator for detecting potential trafficking cases.

When a child does not go to school, the school sends a telegram to the parents. If nothing happens, the school informs the educational authority at the municipal level. The authorities and the Misdemeanor Court then begin proceedings, charging the parents with a minor offence for not sending their children to school. Therefore, the school is not thinking in terms of trafficking indicators. One social care center employee told me that schools will blatantly admit they have no knowledge when it comes to this issue. My research has verified this. For example, a director at one school argued that they had "cases of ten, eleven, and twelve year old girls being sold into marriage" but that institutions cannot do anything because Romani parents know that this will cause problems and they find ways to misrepresent the situation. Significantly, due to the number of asylum seekers, some of my interviewees noted that schools sometimes just assume that the family left the country to seek asylum, even if this was not the case.

However, even though my interviews with school employees reflected a lack of knowledge on anti-trafficking policies, this is not entirely the case. Identification of trafficking cases may not be a priority, staff may not know the state anti-trafficking mechanism, but they generally do know what they are supposed to do should they suspect a child is being forced into marriage or begging. Sometimes they do inform social care centers. However, sometimes, they do not. An interviewee told me one story about a girl who informed her school that "they want to marry her off". The school talked to the father and tried to change his mind. My interviewee openly acknowledged that no institution was alerted to this. The girl finished the year (5th grade!) and never showed up to school again. This was the only time a school admitted to me that they did not act. Most of the time, school representatives said they do inform social care centers when they know (or suspect) that a child is forced into marriage or begging. Nevertheless, this is maximum effort that a school will make in their conduct relating to identification of potential victims of trafficking.

It is worth mentioning here, that when a child drops out of school, they remain officially enrolled since, as the schools explained, no one has the right to withdraw a pupil from school. Some local anti-trafficking policy actors criticize schools for "being happy" about this situation: Romani children not coming to school and yet staying officially enrolled. This is especially important to include because many of my interviewees stated this. According to them, schools do not react because it is in their interest to have higher student numbers so they do not lose their quotas and, therefore, maintain the level of state budgetary support and their jobs. In addition, according to my interviewees, it is in a school's interest to work with fewer children. Since those children who drop out are usually the ones who require additional attention, there are "fewer headaches" for teachers. Sometimes schools even turn in forms stating that a child is attending school when this is not the case using the positive discrimination "excuse", for example, that they are doing it so the Romani family can keep receiving child support.

5.2. Social Care Centers

Social care centers are also criticized by national policy actors for not identifying cases of forced marriage and forced begging, either because they see the phenomena as ‘Romani culture/traditions’ or because they have no idea what they are supposed to do. Indeed, one of the interviewees told me that she reported one case of ‘early marriage’ to a social care center and received the reply that social care centers cannot intervene since “these are Romani customs and traditions”. Some interviewed social care centers employees admitted that they need more instruction: “Yes, we were criticized for not recognizing arranged marriages as potential trafficking cases. [But] we do not have clear instructions on what do to when it comes to arranged marriages”.

More frequently, however, they argue the reason they do not identify trafficking cases is due to lack of capacity. This means that they do not have enough (human) resources to be able to commit to identifying trafficking cases. The Ministry of Finance is most frequently blamed for this situation because they cut funding for the social protection system. Identification of trafficking cases by social care centers would imply more work in the field. Social care centers’ employees say they do not go to the field because they have limited capacity. They only go when they have to react to a request: “We cannot do this. We go to the field [to follow up] on a report. Even though prevention is in our mandate, we are not able to cover as many activities as we are supposed to. We jump from topic to topic when we have an opportunity”.

However, as some institutions and NGOs assert, based on their own experience, that social care centers sometimes do not even react when requested. A school director explains that they continue seeing children begging after they have reported the situation to a social care center: “These are the children from our school. We have already reported the situation. The case should have already been taken over, but the children are still on the streets. Relevant institutions must react”. The police officer I interviewed supported the social care centers’ claim, while other institutions and NGOs - and even their colleagues from other social protection institutions within the system - do not support this argumentation. These actors believe it is untrue that social care centers do not have the capacity since, for example, they work on externally funded project activities in their working time. They also state that, even if their capacities are limited, social care centers simply do not prioritize the most vulnerable.

Further, some of my interviewees argued that when social care case workers are in the field following up on a report, they do not do their job properly: “Six children lost their mother. I called [the social care center]. They picked up four children. They left two of them in the mahala. These two are still there with the constantly drunk father. They do not go to school”. In another example, a social worker went to the field to check if a girl [who was reportedly a prostitute/sexually exploited] was at home: “The mother opened the door. The social worker asked the mother if the girl is at home. The mother said ‘yes, she is sleeping’. The social worker left, ‘bye’. We told her ‘the girl is not at home’, and she said ‘how come, I was there’. When we realized what the social worker did...”

Based on my interviews with social workers, I realized that they do not recognize potential cases of (forced) begging as trafficking and they do not initiate the anti-trafficking referral mechanism. They are sometimes simply taking children away from their families and placing them in foster care or foster families. The lack of knowledge is obvious. Even those social care center representatives who took part in anti-trafficking trainings and who were officially part of local anti-trafficking teams did not know much about trafficking. For example, I asked one of them: what are the most frequent forms

of trafficking? She replied that she “read” that the most frequent forms of trafficking are sexual and work exploitation. The risk factor she cited to me corresponded with common general public discourse on trafficking: people want “comfortable lives”, implying people’s naivety was the most relevant risk factor. Further connected to the lack of knowledge is the question as to whether social workers are able to recognize if a marriage is forced or not. “Often, even if they are forced, they do not admit that they are forced. They say ‘I’m better here.’ You can’t say to what extent they are forced”. Indeed, uncertainty is major factor in not initiating the anti-trafficking mechanism. Workers also express concern about wasting the state’s money on trying to prove trafficking cases.

Interviewed social workers’ other major concern is being misunderstood by the people they are trying to help. The social workers complain that the people they are trying to help say “you will take my child away”. According to the social workers, other institutions and organizations encourage this misrepresentation of social care centers’ work when they “threaten” people, telling them “I will call the social care center”. On the other hand, according to other interviewees, social care centers themselves combat begging by threatening to take people’s children away. Therefore, one of the challenges to identification is also the lack of trust towards social care centers.

In fact, the only thing social care centers do, together with the police, when it comes to combatting (forced) begging is define it as a “disturbance of the public peace and order”. Their conduct can go one of two directions: either they will “warn them [children/people engaged in begging], telling them that what they are doing is not nice” or they charge them with a minor offence. Serbian legislation defines ‘child’ as a person under fourteen. If the child is fourteen years old or under, they charge their parents. If they are older than fourteen, the children are charged. Further, according to Serbian legislation, children under sixteen are defined as “younger minors” and children between sixteen and eighteen are defined as “older minors”. Children between sixteen and eighteen are criminally responsible. Therefore, Serbian legislation system proves itself out of accord with international legislation which defines ‘child’ as a person under eighteen and urges national governments to combat treating children as offenders and criminals. Besides not being identified due to lack of knowledge on trafficking, lack of capacity, lack of prioritization of vulnerable members of society, and vigilance over the state budget, this means potential child victims of trafficking will also often be treated as offenders and petty criminals.

Within my conversations with the interviewed social workers, I encounter many contradictions. For example, they argue that there are trafficking cases which are not being identified, yet there is no need for shelters for victims of trafficking since there are not many trafficking cases. In addition, they argued that “statistics say there are not enough trafficking cases” so they “could go for it” [creating more initiative under the anti-trafficking mechanism]. Finally, they admit that they need instruction regarding, for example, the question of how to understand ‘arranged marriage’, while at the same time they reject the idea of a centralized institution deciding, instead of them, whether someone is a victim of trafficking.

5.3. Police

I have already detailed somewhat the conduct of the police in these matters; however, there are several other important points that should be made mention of. Firstly, one police officer in charge of an anti-trafficking unit says they are aware that their own conduct is questionable in regards to child rights violations. The police officer said that their own conduct, for example charging children who wash car

windshields with minor offenses under the Traffic Law and/or the Identity Card Law (if they do not own an ID) violates the children's rights protection laws. He added that, although this is a big problem, no one wants to deal with it because there will be too many issues to address.

Even though the police are generally understood to be the only anti-trafficking policy actor who identifies victims, it seems that they could do much more and differently. As they themselves acknowledge, they do not identify many trafficking victims. Besides the noted misconduct, there are other reasons the police do not exercise the anti-trafficking mechanism. Firstly, the police forces' anti-trafficking unit is also responsible for dealing with "illegal migration" and has been "pressurized" in the last two years to prioritize its work on "illegal migration". So, the police say they "do not have time" and this is why they "take these things over only in case something bounces" and they "have to urgently deal with it". Secondly, the police argue that trafficking cases are difficult to prove and if they open a case as a trafficking case, they run the risk that case will not prove to be a trafficking case, which means people who are not guilty of that charge will nevertheless have that on their police records. The police argue that "it does not make sense to open a case which will be dismissed". For instance, they say that they had a situation where they initiated a case of forced begging as trafficking case and submitted it to the Public Prosecutor Office, which is charged with interrogating potential trafficking cases. However, the Office dismissed the case due to lack of evidence. One of the side effects of this situation is that potential trafficking cases are then redefined as something else, which leads to victims of trafficking to be then charged for petty crimes. According to one of my interviewees, the woman was charged for committing petty crimes, even though she was forced to do so by her partner.

Further, the police officer I interviewed argued that there is disagreement, on the one hand, between the police and the Public Prosecutor Office and, on the other, national anti-trafficking actors. The Center for Human Trafficking Victim Protection officially identifies people not only as victims, but also as potential victims. The Public Prosecutor Office does not want to take on cases where a person is identified as potential victim. The police officer agrees with them. His reasoning veers in the direction of understanding all people as potential trafficking victims and, therefore, denigrates the relevance of official identification of a person as a potential victim. That being a 'potential victim' is somehow outside of the legislation seems to be the most problematic for them.

Another institutional challenge to preliminary identification is rooted in the cooperation between the social care centers and the police. Only two police interviews presented different understandings of police jurisdiction. One police officer stated that they cannot approach children on the streets without a social worker because they would risk making a child rights violation. This police officer was the only one who completely supported the social care centers' argumentation about the lack of capacity and explained that the social care center's lack of capacity affects police conduct, thus contributing to the police's lack of capacity. However, another one stated that the police can approach children on the streets without a social worker and this is especially true for police officers specifically trained to work with children.

Very few anti-trafficking actors were critical of police conduct. Only one told me that, based on her own experience of reporting a case, the police do not react to reports if, say, a child is found alone on the street: "We saw a child sleeping on the street. We called the police. They said they cannot do anything about it and they did not show up". While police corruption could very well be defined as an institutional challenge, too, it was in fact only mentioned once. In addition, the interviewee explicitly told me that he "cannot go now into this". The mention of corruption was related to a specific case, so,

I assumed the interviewee did not want me to be privy to these details. The police further argued that the Romani community is a “closed community” and this is a challenge to identification, asserting that quid pro quo is not a principle embraced by the police.

5.4. Civil Society

Local non-governmental organizations are an important anti-trafficking actor. However, they generally remain aloof from anti-trafficking mechanism, even those which are officially part of the networks. The main reason for this is a generally completely different understanding on their part of what is the best way to combat early/arrange/forced marriages and begging and forced begging. For them, community development is what the state should put their efforts into, instead of policing the communities. They argue that parents would not force their children into marriage and begging if they were given proper support. After realizing that this is an indicator area regarding the combat of what is defined as trafficking, I asked an NGO about the social protection system’s treatment of primary families vs. foster families:

It’s definitely true that foster families, and the children once they are placed in foster families, receive greater material and non-material support. This puts a great dilemma on us whether to inform the social care center about some potentially very critical situations for children... We have information about parents who are abusing children, especially for work, but being aware of the center’s conduct (or non-conduct since they lack other mechanisms) one simply does not know what to do... One has a human dilemma what to do. The children still have the right to live with their parents. In addition, these parents could be better parents if they had greater support. The point is not only to give material help to the families. There are other forms of support which are not being provided.

In order to evade policing of Romani parents, local NGOs generally do not identify Romani children as victims of trafficking. They are afraid the state will take children away from their parents and that the state will treat Romani parents as exploiters/traffickers/perpetrators. Only two cases were reported as cases of trafficking by my interviewees. In one case a girl called an NGO herself to seek help because she did not want to get married. The NGO characterized this as an extreme case because the girl did not even get to know her future husband. In another case, a grandfather reported that a man “took his granddaughter”. (I discussed this latter case previously where I have argued that it could not be defined as a case of trafficking, but rather kidnapping.)

In this situation, I cannot confidently argue there is a need for anti-trafficking nongovernmental organizations at the local level, for example, as suggested by the police officer I interviewed. The anti-trafficking mechanism was criticized by the local policy actors as being too centralized. However, how would it work if the anti-trafficking mechanism was institutionally centered at the local level (for instance, creating specialized NGOs came up as a suggestion) when local actors do not even agree in principle on the ways state actors should try to combat what they define as trafficking? For this to work, NGOs would have to become part of both anti-trafficking policymaking and implementation, and especially be present in the processes of official identification.

5.5. Anti-Trafficking Policy Partnerships

Throughout this paper, I use the term ‘anti-trafficking network’ to refer to all institutions and organizations that should closely cooperate to combat trafficking. However, as it turned out (at least when it comes to the local level), we have to replace the concept of ‘networks’ with ‘partnerships’ because there is no close, consistent cooperation between any of the relevant policy actors’ organizations. There has been an attempt by a national anti-trafficking NGO to create local anti-trafficking networks (I refer to this project on page 3). However, all the interviewees who took part in that project argue that the networks stopped functioning as soon as the project ended. A local Romani NGO, which was once in an anti-trafficking network, criticized the anti-trafficking policy institutions for not engaging with them anymore. She suspected that this occurred either because they are a Romani NGO or simply because they are an NGO and the NGO sector is simply not valued as a partner.

However, the interviewees’ major concern is the lack of cooperation amongst the anti-trafficking actors. There are many reasons why cooperation is lacking. For one, the institutions do not give each other feedback. For example, when a school reports a case to a social care center, they never find out how this is followed up on. Further, should a child go missing from school, the school reports this to the School Authority, but - as a school employee told me - the school does not even know whether the School Authority communicates this to the social care centers or if they proceed directly to charge the parents for minor offences at the Misdemeanor Court. In fact, the closest cooperation exists between the social care centers and the police. Yet, as one policy actors argued, even when they cooperate, they do so for wrong reasons: “To often, when it comes to a Romani family, the social care center goes accompanied with police officers because ‘they [Roma] are group, they are nuisance’ [as perceived by social workers]. No one would attack you unprovoked, just because they want to attack you. God forbid a social worker enters a Romani house alone! They are seen as criminals.”

If there ever is cooperation between institutions, this is based on private relationships. My interviewees argued that cooperation is never professional, but more on a “hey, mate” level. An NGO representative explained to me that if you have not got a “mate” in an institution, one ought to forget about following up on a reported case. All in all, I am not sure that the idea that cooperation should be based on private relationships does not have its place. I met an NGO representative and a social worker who works in a medical center. They have no signed memorandum between them, but they act efficiently together: “I call him, he gets on his bike, and we go to the field. Intervention happens within two days.” There is a lot of potential in such alternative partnerships. For example, since social care centers are limited in capacity, cooperation with Romani teaching assistants (who are more frequently in the field) could equip them with a more realistic and contextual picture of what is actually happening in Romani communities and could help them gain more knowledge on early/arranged/forced marriages and begging/forced begging. One Romani teaching assistant argued that she would like to be relied on like this and that social care centers do not cooperate with Romani NGOs or with the schools (interestingly, the social care centers I interviewed made the opposite argument). According to my observations, the potential of alternative partnerships is greatly underutilized. The one example provided here was a unique case.

Although there are official local anti-trafficking mechanisms, they are not functional. Local institutions, such as schools, do not even know that they officially exist. Moreover, relevant local anti-trafficking policy actors have never heard about the Center for Human Trafficking Victim Protection. Finally, it is important to mention that there are relevant institutions which should be part of (not

only the local but also the national) anti-trafficking networks, but were explicitly rejected as irrelevant. During the first phase of the research, in my interview with one anti-trafficking NGO, they strongly argued against a proposal to have the Ministry of Religious Affairs (now the Office for Cooperation with Churches and Faith Communities) included in the national anti-trafficking mechanism. Much later on, when I conducted interviews with a local Romani NGO, I was presented with the background to this proposal and arguments as to why it would be relevant for the Office to become part of the mechanism: two Romani NGO representatives argued that it is very important to cooperate with imams (Muslim religious leaders) because many early/arranged/forced marriages are registered in mosques. This is obviously something that the national level anti-trafficking policy actors did not even consider before simply dismissing the idea.

Partnerships are at the heart of anti-trafficking in human beings efforts (Lagon, 2015, p. 22). It is very important to establish partnerships between national and local policy actors in general, not only amongst state institutions. In addition, it is important for local state institutions, local NGOs and local branches of international organizations to come together, learn from each other, initiate dialogue on the issues, identify obstacles, strategize together to overcome the obstacles, define and develop their own roles, and harmonize their roles and conduct. When it comes to anti-trafficking efforts, occasional bilateral cooperation is not enough. Many actors must learn together and act together; they have to form complex, dynamic anti-trafficking policy networks and make them functional.

6. CONCLUSIONS

In this paper, my intention was to test several hypotheses:

1. Serbian state institutions on *the local level*, especially schools and social care centers, do not sufficiently identify Romani victims of trafficking.
2. Local anti-trafficking policy actors misconceptualize *forced marriage* and *forced begging*, the trafficking forms most frequently associated with Roma and 'Romani culture'.
3. Local anti-trafficking policy actors "have no idea what to do".
4. The lack of productive communication between anti-trafficking policy actors and Romani policy actors negatively affects anti-trafficking policy implementation.

All of these hypotheses have been supported by my examination of the local level discourses and practices. However, it was also proven they are not the most relevant questions to be asking. It is true that local actors rarely identify Romani 'victims of trafficking'. (Hence, the quotation marks which I also used in the title of this paper to mark the big conceptual challenges related to identification of what is defined as trafficking by international and national anti-trafficking actors.) The greater issues, therefore, turned out to be not a question of lack of identification but questions pertaining to ***what local actors are expected to identify. What is early marriage? What is arranged marriage? What is forced marriage? What is begging? What is forced begging? How are these concepts related to each other? What elements make forced marriage and forced begging understood as trafficking?***

It is true that local policy actors associate all these concepts with ‘Romani culture’. Nevertheless, my research does not prove that this relationship prevents local actors from identifying trafficking cases.

I found that the diverse understandings of the aforementioned concepts should be defined as a ‘conceptual challenge to identification’. It is also true that local policy actors, especially social care centers and schools, do not have sufficient knowledge about anti-trafficking policies (which I define as one of the institutional challenges). However, I argue that instructions from “above” do not solve the problem. Rather, what anti-trafficking policy actors need (local, national and international actors) is *contextualized knowledge* – knowledge based on the contexts of Romani communities. These contexts must be examined in relation to the concepts this research addressed. The negative effect of the discrepancy between national and local anti-trafficking policy actors’ knowledge and the lack of productive communication between them has been demonstrated by the example of the national actors rejecting Romani NGO representatives’ arguments in favor of cooperation with imams.

Analyzing discourses, practices of, and partnerships among, the local anti-trafficking policy actors also helped me understand that there are not only differences when it comes to the level of knowledge about ‘trafficking in Roma’ - something I expected to find -, but that there are also differences in the policy actors’ understandings of their own jurisdiction. Furthermore, there are many other institutional challenges to identification of cases of trafficking, such as: lack of capacity/resources; competing institutional priorities; lack of feedback between local actors; institutional misconduct (for example, policing of Roma, both adults and children); a lack of real interest in focusing on vulnerable populations, disagreements among anti-trafficking policy actors; insufficiently detailed legislation; discrepancies between international and national legislation; and a lack of trust in local institutions.

In this paper, I showered what happens if (and when) international, national and local policy discourse and practice meet. In addition, local anti-trafficking policy actors’ knowledge appears to be often seemingly contextualized; even if the local policy actors confidently make arguments based on specific cases, in certain localities or with certain families, their arguments are mostly based on assumptions and hearsay. In my paper, I argue that, looking at the big picture, neither the national level anti-trafficking policy actors nor anyone else can expect local level policy actors (who are the last tier in the top-down policy approach) to put “knowledge” into practice and identify more “victims”. In order to create a more inclusive policy environment, there is a need to motivate policy actors to become more interested in recognizing and using contextual knowledge. A very important point to make here is that there has been no micro-level research made on this topic in the field:

Extravagant macrolevel assertions matter for at least two reasons: (1) if the claims are unfounded, they risk jettisoning other worthy causes and funding decisions regarding them, and (2) even if these claims are true they are of limited utility on the ground, where trafficking matters most. Microlevel studies (in a city, town, or small region of a country) have both quantitative and qualitative advantages. If the data pertaining to this limited arena are reliable, they can provide (1) more valid victimization numbers (because of the limited parameters), (2) richer insights regarding actors’ lived experiences, and (3) the potential to identify trafficking “hot spots” for targeted deployment of enforcement resources (Weitzer, 2014, p.15).

Sadly, the aforementioned conceptual and institutional challenges, as well as the lack of micro level research on this topic, negatively affect Romani communities: they contribute to leaving vulnerable populations without protection and assistance and leave the institutional actors and their ‘partners’ in the anti-trafficking struggle left blaming each other - through two sides of the same wall - for the same injustice.

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