

LEGAL OVERVIEW FOR PRACTITIONERS

The following section is designed as a support tool for legal practitioners. It provides concise summaries of the international and regional legal framework on commercial sexual exploitation of children (CSEC) and tech-facilitated CSEC; a snapshot of WB6 ratification status of the important international and European legal frameworks, conventions and protocols; as well as an overview of the national legal frameworks related to child abuse, CSEC and tech-facilitated CSEC, including information on the location, penalties and aggravating circumstances of national specific criminal law provisions.

This section does not provide an exhaustive analysis of national specificities but is aimed at providing key issues for cross-regional comparison and highlighting current gaps that require regional harmonization. Therefore, both regional and country specific recommendations are provided at the end of the section to inform the way forward.

International and regional legal framework on CSEC and tech-facilitated CSEC

The United Nations Convention on the Rights of the Child (CRC)

Adopted at the 44th Session of the United Nations General Assembly on 20 November 1989 (resolution No. 44/25) and entered into force on 2 September 1990, the Convention proclaims the global and universal standards for protection of children and their rights. In accordance with article 1, a child is considered any person under the age of 18, unless the legal age of majority is reached earlier. It obliges states to take all necessary measures (from legislative to educational) to protect children from all forms of violence, such as physical or mental violence, injury, neglect, abuse or exploitation, including sexual abuse. In article 34, the Convention highlights that all appropriate national, bilateral and multilateral measures should be taken to prevent inducement or coercion of a child to engage in any unlawful sexual activity; the exploitation of a child in prostitution or any other unlawful sexual activity; or the exploitation of a child in pornographic performances and materials. In addition, States Parties have to take all appropriate national, bilateral and multilateral measures to prevent the abduction, sale or trafficking of children for any purpose or in any form.

The United Nations Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography (CRC-OP-SC)

The Convention promotes a holistic approach to suppression of the sale of children, child prostitution and child pornography, so prescribes criminalization of certain behaviours. In accordance to article 3, states must ensure that its criminal law covers: offering, extraditing or accepting a child for the purpose of sexual exploitation of the child, transfer of organs of the child for profit, involvement of the child in forced labour; offering, obtaining, procuring or providing a child for child prostitution; producing, distributing, disseminating, importing, exporting, offering, selling or possessing a child for the purposes of child pornography. This also includes the appropriately established liability for legal persons. In addition, states have to adopt effective measures to protect the rights and interests of child victims of the prohibited practices at all stages of the criminal justice process and strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of responsible persons.



The United Nations Convention against Transnational Organized Crime (UNTOC)

The Convention entered into force on 29 September 2003, in accordance with article 38. The Convention was adopted by resolution A/RES/55/25 of 15 November 2000 at the 55th session of the UN General Assembly. It defines 'serious crime' as conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more, which means that most CSEC-offences comply with this condition. The perpetrators often operate within various forms of complicity, for example as a member of an 'organized criminal group' (a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with UNTOC, in order to obtain, directly or indirectly, a financial or other material benefit). Complicity can also be as part of a 'structured group' (a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure).

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo protocol) supplements this Convention. Its purpose is to: help prevent and combat trafficking in persons, paying particular attention to women and children; stipulating protection and assistance to the victims of such trafficking, with full respect for their human rights and promote cooperation among states parties in order to meet those objectives.

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)

The Convention was drawn up in Lanzarote, Spain, on 25 October 2007. It defines a child as any person under the age of 18. Obligations concern preventive action to combat all violence against children, protection and assistance to victims, intervention programmes and measures, and provisions of substantive criminal law criminalizing child sexual abuse; child prostitution – sexual exploitation through prostitution and child pornography – child sexual abuse material or child sexual abuse material (CSAM); participation of a child in pornographic performances; corruption of children and solicitation of children for sexual purposes (grooming). It then sets out obligations regarding procedural aspects, investigation and prosecution, international cooperation and the monitoring system. According to the provisions, 'child pornography' means any material that visually describes a child engaged in actual or simulated sexually-explicit conduct or a description of child and sexual organs whose primary purpose is sexual intercourse. This Convention is the first international legal instrument to require the criminalization of grooming. It obliges states to take the necessary legislative and other measures to prosecute the intentional proposal, through information and communication technology (ICT), by an adult to meet a child who has not reached the age of maturity as determined by national legislation, aiming at sexual exploitation, if accompanied by actions leading to such an encounter. The occurrence of this criminal offence, facilitated by ICT has rapidly increased over the past decade. The offences covered by the Lanzarote Convention represent a minimum consensus, meaning that establishing higher standards within a state's domestic legal framework is encouraged. All 47 Council of Europe member states have signed and ratified the Convention.



Council of Europe Convention on Cybercrime (Budapest Convention)

The first international treaty on crimes committed via the internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child pornography and violations of network security. It also contains a series of powers and procedures such as the search of computer networks and interception. It is the only binding international instrument on this issue. It serves as a guideline for any country developing comprehensive national legislation against cybercrime and as a framework for international cooperation between states party to this convention. Its main objective, set out in the preamble, is to pursue a common criminal policy aimed at protecting society against cybercrime, especially by adopting appropriate legislation and fostering international cooperation. It has focused attention on possible forms of abuse on the internet and, therefore, the obligation to criminalize certain acts relating to child pornography. An additional Protocol to the Budapest Convention is directed at the criminalization of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189).

Resolutions 1099 (1996) and 1307 (2002) of the Parliamentary Assembly of the Council of Europe on the sexual exploitation of children

The Resolutions call for cooperation between countries in combating sexual abuse, child prostitution and CSAM. They encourage the member states to enact legislation classifying all sexual offences involving children as serious offences. Such offences should under no circumstances be included in a category of less-serious offences. They advocate reinforcing punitive measures at national level and adopting criminal legislation on child prostitution without delay. The resolutions acknowledge that the internet facilitates the commission of sexual crimes against children, enabling the perpetrators to act more anonymously and have unlimited contact possibilities.

Directive 2011/93/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/JHA of 13 December 2011

The Directive states that 'Sexual abuse and sexual exploitation of children, including child pornography, constitute serious violations of fundamental rights, in particular of the rights of children to the protection and care necessary for their well-being'. According to the Directive, 'child pornography consists of images of child sexual abuse and other particularly serious forms of sexual abuse and sexual exploitation of children are increasing and spreading through the use of new technologies and the Internet'. It points out that severe forms of sexual abuse and exploitation of children should be punished by effective, dissuasive and proportionate sanctions. Definitions of key terms, including child, age of sexual consent, child pornography, child prostitution and pornographic performance are given in article 2. Member states are obliged to provide for penalties in national law that comply with EU legislation on combating sexual abuse, child sexual exploitation and child pornography. Solicitation of children for sexual purposes via the internet is labelled as a specific threat. Member states are encouraged to declare this behaviour (as well as offline grooming) as a criminal offence, with the modality of criminalization left up to the national legislature (mentioned in a separate criminal offence or as an attempted crime). The Directive classifies the criminal offenses of sexual abuse, sexual exploitation and child pornography, and in particular mentions solicitation of children for sexual purposes and the extent of liability and sanctions. The reporting, investigative and prosecutorial processes, as well as victim assistance mechanisms, are also modernized and improved. Compliance with Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims (replacing Council Framework Decision 2002/629/JHA), is also emphasized. Directive 2011/93 also highlights the connection with trafficking in human beings, as some victims of trafficking are also child victims of sexual abuse or sexual exploitation. Since this Directive is a legislative act that sets out a goal that all EU member states must fulfil, it is not yet applicable to any of the WB6 countries.



WB6 ratification status of the important international and European legal frameworks, conventions and protocols addressing CSEC and tech-facilitated CSEC

The United Nations Convention on the Rights of the Child (CRC)

Albania signed the CRC on 26 January 1990 and ratified it on 27 February 1992. Ratification dates for the other WB6 are: Bosnia and Herzegovina on 1 September 1993; North Macedonia on 2 December 1993; Serbia on 12 March 2001; and Montenegro on 23 October 2006.

The United Nations Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography (CRC-OP-SC)

Albania ratified the CRC-OP-SC on 5 February 2008. Bosnia and Herzegovina signed it on 7 September 2000 and ratified it on 4 September 2002. North Macedonia signed it on 17 July 2001 and ratified it on 17 October 2003. Serbia signed it on 8 October 2001 and ratified it on 10 October 2002. Montenegro ratified it on 23 October 2006.

The United Nations Convention against Transnational Organized Crime (UNTOC)

Albania signed the UNTOC on 12 December 2000 and ratified it on 21 August 2002. Bosnia and Herzegovina signed it on 12 December 2000 and ratified it on 24 April 2002. Montenegro ratified it on 23 October 2006. North Macedonia signed it on 12 December 2000 and ratified it on 12 January 2005. Serbia signed it on 12 December 2000 and ratified it on 6 September 2001.

It is worth noting that all WB6 countries except for Kosovo ratified the Palermo Protocol (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children), which supplements the UNTOC.¹

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (known as the Lanzarote Convention)

All 47 Council of Europe member states have signed and ratified the Convention, which includes Albania, Bosnia and Herzegovina, North Macedonia, Serbia and Montenegro.

The Council of Europe Convention on Cybercrime (the Budapest Convention)

Albania signed the Budapest convention on 23 November 2001 and ratified it on 20 June 2002; it entered into force on 1 July 2004. Bosnia and Herzegovina signed it on 9 February 2005 ratified it on 19 May 2006; it entered into force on 1 September 2006. Montenegro signed it on 7 April 2005, ratified it on 3 March 2010 and it entered into force on 1 July 2007. North Macedonia signed it on 23 November 2001 and ratified it on 15 September 2004; it entered into force on 1 January 2005. Serbia signed it on 7 April 2005, ratified it on 14 April 2009 and it entered into force on 1 August 2009.



The Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography

The goal of the 2011/93 Directive is obligatory for all EU member states. However, since none of the WB6 countries is yet an EU member, this Directive is not applicable to them.

Acts	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia
Criminal Code	Yes ²	Yes (four criminal codes, not harmonized) ³	Yes ⁴	Yes ⁵	Yes ⁶	Yes ⁷
Specific Acts	Law 18/2017 'For the rights and protection of the child' ⁸	Rulebook on Protection of Foreign Victims of Trafficking in Human Beings ⁹ ; Rules on Protection of Victims and Victims-witnesses of Trafficking in Human Beings ¹⁰	Child Protection Act ¹¹ Preventing and Fighting Cybercrime Act ¹²	Social and Child Protection Act Protection from Violence in the Family Act; Education of Children with Special Needs Act	Law on child protection ¹³	Act on Juvenile Criminal Offenders and Criminal Protection of Juveniles; ¹⁴ Act on the Organization and Competences of Government Authorities Combating Cybercrime Misdemeanour Act (article 16, paragraph 2); ¹⁵ The Act on Special Measures for Preventing the Commission of Sex Crimes Against Minors (Marija's Act); ¹⁶ Information Security Act (article 19a); ¹⁷ Electronic Communications Act (parts xvi and xvii, article 126–130a) ¹⁸

WB6 national legal analysis addressing CSEC and tech-facilitated CSEC

The following section looks at acts that regulate offences on sexual exploitation and abuse of children, including 'child pornography' and possible additional provisions regarding CSEC and the use of technology in trafficking.

All of the WB6 have criminal law provisions regarding the sexual abuse of children in the broadest sense. However, commercial sexual exploitation of children is not always recognized as a separate criminal offence in the legal framework. Instead, it is considered and punishable as 'other kinds of abuse' under the law on rights and protection of the child under the national anti-trafficking legislation and action plans.¹⁹ However, it is important to keep in mind that even in cases where CSEC is not clearly defined in national legislation, most countries of the region (except for Montenegro and Kosovo) have ratified the UN Palermo Protocol, which contains relevant provisions.²⁰



Bosnia and Herzegovina is in a challenging situation, since it has four criminal codes that are not harmonized, leading to different protection levels within the country. CSEC as such is not defined in the legislation of Bosnia and Herzegovina, its entities or the Brcko District. Neither of the two key state-level documents addressing child protection and/or child exploitation explicitly mention CSEC.²¹ The term ‘commercial exploitation or abuse’ is not used in the Bosnia and Herzegovina legislation in the context of child exploitation, but rather is addressed through issues of child trafficking, harmful child labour, slavery and related crimes. A prosecutor in Tuzla Canton explained that ‘there are some criminal offences prescribed by criminal law (regarding CSEC), but there is no special law and that is what we need’. This refers to the need for specific articles within the criminal code to address criminal activities such as grooming, sexting, sextortion, live stream, etc., which are not currently criminalized. However, the new Strategy to Suppress Trafficking in Persons 2020–2023 incorporates all obligations accepted by signing both the Palermo Protocol and the Council of Europe Convention on Action Against Trafficking in Human Beings.

As for tech-facilitated CSEC, the criminal codes of all WB6 countries provide separate provisions for online exploitation of children and related offences. Hence, most prosecutors believe that the national legal framework and legislation is adequate to deal with tech-facilitated CSEC cases. Nevertheless, prosecutors from Albania and Bosnia and Herzegovina state that amendments are needed for areas of online CSEC, such as live-streaming.

Overview of criminal justice staff, legislative framework and laws in tech-facilitated CSEC cases:

Legal framework and legislation are adequate ²²	Serbia, Kosovo, Montenegro, North Macedonia
Existence of specialized prosecutors	Serbia, Kosovo, Bosnia and Herzegovina
Access to education and training for staff	Serbia, Kosovo, Bosnia and Herzegovina, North Macedonia
Existence of specialized protocols addressing CSEC	Albania, Kosovo
Use of specialized court-appointed experts	Kosovo, Montenegro

As for the vulnerability of Roma children to exploitation and human trafficking, many cases of sexual exploitation (especially cases of early and child marriage) are not dealt with as human trafficking cases. Instead, the case is referred to as a ‘custom and tradition’ violation of family law. In addition, prosecution of child marriage is complicated by the existence of caveats (for ‘justified reasons’ and with the parents’ approval) to the prohibition on marriage of minors across the Western Balkans countries.²³ This may lead to fewer prosecutions due to the utilization of such exceptions.

In this context, it is important to mention that all WB6 countries have introduced international principles addressing the needs of ethnic minorities in their constitutions. At the operational level, they have also put in place many initiatives in partnership with international stakeholders.



Experts agree that the emphasis should not be on strengthening the laws to better protect the Roma community, but rather on improving implementation of the existing frameworks, which are often disregarded due to cultural bias. In Bosnia and Herzegovina, the principle of protection of minorities was introduced in the 2003 Law on National Minorities.²⁴ However, as in other countries of the region, most laws on ethnic minorities focus on the protection of the identity of a given ethnic group rather than on the individual rights of its members.²⁵ Culture, language and religion are often at the centre of minority rights laws. The same laws, however, do not address protection of general, fundamental rights for the Roma, such as the right of non-discrimination, the right to a fair trial, the right to participate in the political system, as well as the rights to an adequate standard of living, to education and to employment.²⁶

Regulatory frameworks often lag trends in sexual exploitation of children and technological innovations, leaving legislative loopholes and gaps and making these crimes particularly difficult to investigate and prosecute. As the pivotal role of technology in most – if not all – of human trafficking cases is increasingly recognized, countries have sought to leverage existing regulatory frameworks and introduce reforms to address the challenges of responding to tech-enabled trafficking. The following sections provide an overview of specific criminal law provisions in the WB6 on child sexual exploitation in regard to the Council of Europe (CoE) legal instruments contained in the Lanzarote and Budapest conventions.

Tech-facilitated CSEC

Most states have specific provisions on CSEC, including tech-facilitated CSEC, within the criminal law framework or as a special act. However, in some states like Albania, there are indications of operational challenges within the competent authorities. Albania, Bosnia and Herzegovina and Serbia have either stated their intention to amend the relevant legislation (although the timeframe is unknown) or acknowledge that specific amendments to address tech-facilitated CSEC are necessary.

Additional provisions on:	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia
Protecting children against sexual exploitation and sexual abuse on the internet	Yes ²⁷	No	Yes	Yes ²⁸	Yes ²⁹	Yes ³⁰
The use of technology in the commission of trafficking offences	No	No ³¹	Yes	No	Yes ³²	Yes ³³
Plan to amend the legislation in this field	Yes ³⁴	Yes	No	Respondents unaware of any planned reform	Respondents unaware of any planned reform	Yes, but unknown timeframe ³⁵



Specific criminal law provisions regarding child sexual abuse, with reference to Article 18 of the Council of Europe's Lanzarote Convention

The Lanzarote Convention sets out the international legal framework regarding the rights of children and legislating against child abuse.³⁶ By conducting a gap analysis against this legal framework, it highlights where national frameworks of WB6 are not comprehensive.

Elements regarding international standards of child sexual abuse as an offence, as defined rather broadly under Article 18 of the Lanzarote Convention, are mostly reflected in criminal code articles throughout the WB6. Content analysis shows some challenges, with the need for improvement in certain areas. For instance, engaging in sexual activities with a child where coercion, force or threats are used is not established as an element of a criminal offence in the Serbian criminal code. Additionally, there is not a single Article containing a unified, broad prohibition of sexual abuse in the Albanian criminal code. Instead, various elements of sexual abuse are addressed under different provisions of the criminal code in a fragmented manner (see Annex III).³⁷

Roma NGO representatives furthermore report that public officials, prosecutors and judges avoid issuing trafficking indictments.³⁸ In addition, some representatives from prosecutor's offices in the region interviewed were not even aware of the phenomenon of Roma children being commercially exploited for sexual purposes.³⁹ In other cases, although the identity of both victim and perpetrator was made clear (also by the media and local NGOs), no follow-up actions were ever taken by the prosecutor.⁴⁰

Specific criminal law provisions regarding tech-facilitated CSEC and CSAM, with reference to Article 20 of the Lanzarote Convention and Article 9 of the Budapest Convention

Most experts emphasize the need to replace the terms 'child pornography' and 'child prostitution' with appropriate terms such as CSEC. Legal provisions in all WB6 countries include the following criminalized forms of child pornography:

- Production and distribution through a computer system
- Offering it, including through a computer system
- Making it available, including through a computer system
- Distribution, including through a computer system
- Transmission, including through a computer system
- Procurement for self or another (except Albania)
- Procurement through a computer system (except Albania)
- Possession, including on a computer system or on a computer-data storage medium
- Knowingly obtaining access, through information and communication technologies, to child pornography
- Incrimination of aiding and abetting

In Albania, child pornography is regulated by Article 117 (2) of the criminal code, which does not conform to international standards since it does not define the term 'child pornography'. In addition, some elements of the offence provided for in the international standards are not included, such as the sale and procurement of child pornography. Most of the WB6 countries comply with the criminalization provisions of the CoE conventions regarding child pornography, covering most of the needed incrimination forms through reference to Article 18 of the Lanzarote Convention.



With the exception of Serbia, which does not include a legal provision on a person appearing to be a minor engaged in sexually-explicit conduct, all countries consider the below-mentioned forms of sexually-explicit conduct as child pornography:

- Minor engaged in sexually-explicit conduct
- Person appearing to be a minor engaged in such conduct (except for Serbia)
- Realistic images of a minor engaged in such conduct
- Any material of a child in real or simulated sexually-explicit conduct or depiction of child sexual organs for sexual purposes
- Other related elements

The Western Balkan countries have criminalized all necessary elements regarding child participation in sexual exploitative acts, including recruitment, causing, coercion, profiting from and knowingly participating in such acts. Aiding and abetting such acts has also been criminalized.

However, in Kosovo, the updated criminal code does not criminalize online child grooming. This has created a discrepancy both in terms of harmonization with international instruments and in protecting children from online risks.

Child prostitution as a specific form of CSEC, with reference to Article 19 of the Lanzarote Convention

Research on child prostitution reveals not only uneven criminal law protection of children across the region, but also clearly indicates areas with higher tolerance and risks of specific acts, as well as a greater danger of children being victimized. As Figure 27 shows, half of the WB6 countries have criminalized all forms of child prostitution: Bosnia and Herzegovina, Kosovo and Montenegro.

According to general information, although prostitution in Albania has been criminalized, the legislation has two major flaws. First, it does not define prostitution. Second, it does not exclude application to children. Thus, an Albanian child who has reached the age of criminal responsibility (14 years) and who has been a victim of child prostitution could theoretically be prosecuted under Article 113 of the criminal code. However, with the entry into force of the Criminal Justice Code for Children, criminal law penalties for minors have been drastically reduced, meaning that the child would not be subject to imprisonment.



According to the Serbian criminal code, child prostitution is not a criminal offence. However, there are violations related to ‘pimping and procuring’ (Article 183) and ‘mediation in prostitution’ (Article 184, paragraph 2 and Article 388 of the law on human trafficking) that could serve to incriminate specific acts.

Criminalization of child prostitution in the WB6:

Incrimination	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia
Recruiting a child into prostitution or causing a child to participate in prostitution	–	Yes	Yes	Yes	Yes	No
Coercing a child into prostitution	–	Yes	Yes	Yes	No	No
Profiting from or otherwise exploiting a child for such purposes	–	Yes	Yes	Yes	Yes	No
Having recourse to child prostitution	–	Yes	Yes	Yes	Yes	No
Attempt, aiding or abetting to such conduct	–	Yes	Yes	Yes	Yes	No

Note: Respondents from Albania did not answer these questions.

Overview of grooming as a criminal offence, with reference to Article 23 of the Lanzarote Convention and EU Directive 2011/92

The primary international standards regulating solicitation of children for sexual purposes are Article 23 of the Lanzarote Convention and EU Directive 2011/92. Article 23 proposes the criminalization of ‘the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offences established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting.’ This covers engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities, as well as production of child pornography. It also proposes criminalization of aiding and abetting any of these offences.

Most Western Balkan states, except Kosovo, have adequate criminal law provisions in this area. In Bosnia and Herzegovina, criminal law regulation of these issues is uneven, with different regulations in the Republic of Srpska, which underlines the need for special child protection acts that would be equally valid in all parts of the country. In Albania, grooming is covered under Article 108, paragraph 4, of the criminal code regarding indecent acts. This article criminalizes ‘the proposal made by an adult by any means or form, to meet with a minor who has not reached the age of fourteen or a minor who is not sexually mature yet,’ with the aim of committing CSEC offences. It applies to both online and offline solicitation. In addition, it omits the restrictive condition provided for in Article 23 of the Lanzarote Convention, which requires that a proposal be followed by material acts leading to a meeting. As a result, any proposal made by an adult through the use of ICT to meet with a child, with the intent of committing sexual offences, is a punishable offence. The Albanian legislation thus goes beyond the international standards.



Overview of specific provisions on the obligations of ISPs regarding child pornography

There is significant variation across the region regarding ISP obligations on child pornography. While there are legal regulations on ISPs in three countries (Albania, Serbia and Montenegro), there are no such provisions in either Bosnia and Herzegovina or Kosovo. In this sense, there is clear room for improvement. In Albania, ISPs specifically addresses: the liability regime of ISPs for CSEC materials circulating in their networks; the notice and take-down procedures of online CSEC materials; and the reporting obligations of ISPs for CSEC materials circulating in their networks. All these issues are partially addressed in Albania through the laws on Electronic Communication and Electronic Trade.ⁱ The latter, approximated with the e-Commerce Directive, regulates the liability of three types of ISPs: 1) mere conduit, 2) caching and 3) hosting. Each of these types of operators has its own particularity and is subject to the liability regime laid out in the next section. Legal regulation is provided in Montenegro through the Electronic Media Act and in Serbia through the Electronic Communications Act. In North Macedonia, ISPs are obliged to respond to requests by the public prosecutor. While Bosnia and Herzegovina foresees voluntary commitments by ISPs on child pornography, ISPs in Kosovo do not have any obligations.

Overview legal provisions addressing CSEC and tech-facilitated CSEC, including penalties and aggravating circumstances

The following country-by-country overview provides insight into the range of penalties applied to the offences of child trafficking for sexual exploitation, tech-facilitated sexual exploitation and child abuse. It further gives information on the number of convictions, including those with minimum sentences, and consideration of extenuating circumstances.

ⁱ Act no. 10128 'On electronic trade', 11 May 2009.



Specific criminal law provisions regarding child sexual abuse with reference to article 18 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)

Specific criminal acts (Lanzarote)	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia ⁴¹
Sexual act with underaged child ⁴²	Yes ⁴³	Yes ⁴⁴	Yes ⁴⁵	Yes ⁴⁶	Yes ⁴⁷	Yes ⁴⁸
Sexual abuse with aggravating elements ⁴⁹	–	Yes ⁵⁰	Yes ⁵¹	Yes ⁵²	Partially ⁵³	Partially ⁵⁴
Sexual abuse of vulnerable child ⁵⁵	–	Yes	Yes	Yes ⁵⁶	Yes ⁵⁷	Yes ⁵⁸

Provisions separate from criminalizing child abuse which criminalizes (i) commercial sexual exploitation of children; and (ii) sexual exploitation of children online

Is there a provision separate from that criminalizing child abuse which criminalizes	Albania	Bosnia and Herzegovina	Kosovo	Montenegro ⁵⁹	North Macedonia	Serbia
CSEC	No	Yes	No	No	Yes	No
Tech-facilitated CSEC	No	Yes	Yes	No	Yes	Yes



Locations of provisions (in the criminal code, THB law, child abuse law, family law, etc.) and aggravating circumstances: (i) general offence of child abuse; (ii) commercial sexual exploitation of children; and (iii) sexual exploitation of children online

Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
ALBANIA					
Criminal Code	100	Having sexual or homosexual relations with minor children or with a female minor who is not sexually matured	7–15 years		
	107/a	Sexual violence committed against a child 14–18 years of age	5–15 years		
		+ under 14 years:	≥ 20 years		
		+ death or suicide of the victim	≥ 25 years		
	108	Immoral acts with a child under 14 years of age:	3–7 years;		
		+ by family member:	5–10 years;		
		Intentional involvement as a witness	1–5 years		
	108 (3)	Solicitation of children	1–5 years		
	108 (4)	Online solicitation		X	
	108/a	Sexual harassment	3–7 years		
110/a	Trafficking in adult persons				8–15 years
	Crime committed against adult female person				10–15 years



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
	110/b	Benefit from or use of services provided by trafficked persons			2–5 years
		Offence committed against a minor			3–7 years
	110/c	Actions facilitating trafficking			2–5 years
		Committed by the person who has the task to issue the ID card, passport, visa or a travel document, or has enabled trafficking of children			4–8 years
	117	Child pornography ⁶⁰ (production, distribution, advertisement, export, import, sale or publication of pornographic materials)		Up to 2 years	
	117 (1)	Exposure of children to pornographic materials		Up to 2 years	
	117 (2)	Production, import, offering, making available, distribution, transmission, use or possession of child pornography, as well as the conscious creation of access to it, by any means or form		3–10 years	
	121/a	Stalking: Offence committed against a minor, pregnant woman or person unable to defend himself or herself, and where it has been committed by a person in disguise or accompanied with the carrying or use of weapons	punishment shall increase by one-half of the sentence imposed		
124/b	Maltreatment of minors	3 months2 years			



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
		+ Severe health damage or the death of the minor	10–20 years		
	128/b	Trafficking of minors			10–20 years
		+ Crime committed in collaboration or more than once, or is accompanied with the maltreatment and forcing of the victim through physical or psychological violence to commit various actions, or causing serious consequences to health			≥ 15 years
		+ When the offence consequently has brought about the death of the victim			≥ 20 years
		+ When the criminal offence is committed through the utilization of a state function or public service			imprisonment increased by 1/4 of the punishment given
Law 27 on Child Protection and Protection of Children's Rights		Child Protection and Protection of Children's Rights	X	X	
Law 18/2017 on Protection and children rights		Protection and Children's Rights	X	X	X
	45(3)	Employees of child protection structures and employees working with children	X		
	26	Protection from trafficking and any form of sexual exploitation and abuse	X	X	X



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
Law on Electronic Commerce	20 (2)	Notify authorities immediately if they have reasonable suspicions that service users are conducting illegal activities or have submitted illegal information		X	
	20 (3)	ISPs must provide, upon the request of the relevant authority and in accordance with the applicable legislation, all information that enables the identification of these users		X	
BOSNIA AND HERZEGOVINA					
Bosnia and Herzegovina Criminal Code ⁶¹	185	Establishment of slavery			5–10 years
	186	International trafficking in human beings			≥ 10 years
	186a	Organized international trafficking in persons			≥ 10 years
	187	International enticement to prostitution			6 months–5 years
Federation of Bosnia and Herzegovina Criminal Code	180	Abduction	1–10 years		
	203	Rape	3–15 years		
	204	Sexual intercourse with a helpless person	3–15 years		
	205	Sexual Intercourse by abuse of position	3 months–5 years		
	206	Forced sexual intercourse	6 months–5 years		



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
	207	Sexual intercourse with a child	≥ 1 year		
	209	Satisfying lust in front of a child or juvenile	4 months–5 years		
	210a	Trafficking in human beings			≥ 10 years
	210b	Organized trafficking in human beings			≥ 10 years
	211	Abuse of a child or juvenile for pornography		1–5 years	
	212	Showing pornography to a child		monetary fine or ≤1 imprisonment year	
	213	Incest	1–10 years		
	219	Maltreating or neglecting a child or juvenile	3 months–5 years		
	222	Domestic violence	1–15 years		
Republic of Srpska Criminal Code	145	Trafficking in human beings			2–12 years
	146	Trafficking in children			5–20 years
	147	Associating for the purpose of perpetrating the criminal offences of trafficking in human beings and children			1–15 years
	165	Rape	3–15 years		



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
	166	Sexual blackmailing	1–8 years		
	167	Sexual intercourse with a helpless person	2–10 years		
	170	Sexual harassment	≤ 2 years		
	171	Lechery (concupiscence)	≤ 3 years		
	172	Sexual intercourse with a child under the age of 15	1 year–life sentence		
	173	Sexual abuse of a child over the age of 15	6 months–10 years		
	174	Soliciting a child’s presence during sexual acts	7 months–8 years		
	175	Exploitation of children for pornography		1–10 years	
	176	Exploitation of children for pornographic performances		6 months–10 years	
	177	Introducing pornography to children		6 months–3 years	
	178	Use of a computer network or communications by other technical means for the commission of criminal offenses of sexual abuse or exploitation of children		1–8 years	
	179	Satisfying sexual lust in the presence of a child	≤ 3 years		



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
	180	Soliciting a child to prostitution	1–10 years and monetary fine		
Brcko District Criminal Code of	200	Rape	3–15 years		
	201	Sexual intercourse with a helpless person	2–15 years		
	202	Sexual intercourse by abuse of position	3 months–5 years		
	203	Forced sexual intercourse	6 months–5 years		
	204	Sexual intercourse with a child	≥ 2 years		
	205	Lechery (lewd behaviour)	3 months–5 years		
	206	Satisfying lust in front of a child or juvenile		4 months–3 years	
	207a	Trafficking in human beings			≥ 5 years
	207b	Organized trafficking in human beings			≥ 10 years
	208	Abuse of a child or juvenile for pornography		1–5 years	
	209	Introducing pornography to children		1–5 years	
	210	Incest	6 months–8 years		



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
KOSOVO					
Criminal Code	Art 165 (1)	Human trafficking			5–12 years
		+ Human trafficking committed within a 350-meter radius of a school or other locality which is used by children or when the offense is committed against a person under the age of 18			5–15 years
		+ Human trafficking by several persons			7–20 years and a fine of up to €500 000
	Art 183	Sexual harassment	≤ 3 years		
	Art 227 (4.8)	Rape of a minor up to 18 years of age	5–15 years		
	Art 227	Rape of a minor up to 14 years of age	≥ 10 years		
		Rape of minor resulting in death	≥ 20 years		
	Art 228 (1)	+ Use or procurement of sexual services from a minor victim of human trafficking by several persons	7–20 years and a fine of up to €500 000		
	Art 228 (2)	Sexual services of a victim of trafficking under 18 years			2–10 years
	Art 228 (6)	Sexual services of a victim of trafficking under 16 years			≥ 10 years
	Art 228 (7)	Sexual services of a victim of trafficking under 14 years			≥ 10 years



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
		+ Sexual services from a victim of human trafficking resulting in the death of a victim under the age of 16			≥ 15 years
	Art 229 (3)	Sexual assault (16 to 18 years of age)	10–20 years		
	Art 231	Offer of pornographic material to a person under 16 years of age		3 months–3 years	
	Art 232 (1)	Abuse of children in pornography		5–15 years	
	Art 232 (3)	Procurement or attempted procurement of child pornography		1–5 years and a fine	
	Art 232 (5)	Exhibition of pornographic material		3–10 years	
Law on Child Protection	N/A	Child sexual abuse	x		
	Art 47	Prohibition of abduction, sale and trafficking in children			x
	Art 48	Protection from all forms of violence	x	x	
	Art 51	Prohibition of child prostitution offline and online		x	x
	Art 52	Prohibition of appearance of children in sexual activities		x	
	Art 53	Measures against websites		x	
	Art 58	Interdiction of convicted individuals		x	



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
Law on Preventing and Combating Trafficking in Human Beings and Protecting Victims of Trafficking	N/A	Trafficking of children			x
Law on Preventing and Fighting Cybercrime	Art 16	Production of acts of pornography		6 months–3 years	
Family Law no. 2004/32	Art. 352 (2)	Enforcement procedures			finest and/or removal of the child
Law on Public Peace and Order	Art 18 (7)	Shameful sexual acts in public			≤ two months
MONTENEGRO					
Constitution	Art 74	The rights of the child	(no penalties)		
Criminal Code	Art 219	Neglecting or ill-treating a minor	≥ 3 years		
		When a parent, adoptive parent, guardian or other person abuses a minor or forces him/her into excessive labour or	3 months–5 years		



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children	
	Article	Criminal offence	Penalties			
		labour not appropriate to his/her age or to beggary, or who instigates him/her out of greed to perform other acts that are detrimental to his/her development shall be punished				
	Art 216	Extramarital community with a minor	3 months–3 years			
		When the crime is committed by means of force, threats or out of greed. Where the marriage is concluded, prosecution shall not be instituted, and where it has been instituted, it shall be discontinued.	6 months–5 years			
	Art 168a	Stalking		3 months–5 years		
			caused danger to life, health or limb of another person or a person close to him	3 months–5 years		
			if offence results in the death of another person or a person close to him/her	1–10 years		
	Art 220	Domestic violence		fine or prison sentence < 2 years		
			Committed by means of weapons, dangerous tools or other instruments suitable for inflicting serious bodily injury or seriously impairing one's health	3 months–3 years		



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
		When the act resulted in a serious bodily injury or serious impairment of health or where it is committed against a minor	1–5 years		
		if offence results in the death of a family member or family community	3–12 years		
		Whoever violates the protection measures against domestic violence imposed on him by court or another state authority under law	< 1 year		
	Art 204	Rape	1–8 years		
		When committed against a child	≥ 10 years		
	Art 205	Forced sexual intercourse with a physically helpless person	2–10 years		
		Where the offence was committed by several persons or in an especially cruel or degrading manner, or against a juvenile, or where the act resulted in pregnancy	5–15 years		
		When against a child or resulting in death	≥ 10 years		
	Art 206	Sexual intercourse with a child (But: the perpetrator shall not be punished where there is no significant difference between the perpetrator and the child in their mental and physical maturity)	3–12 years		



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
		In case of a serious bodily injury of the child, if the offence was committed by several persons, and where it results in pregnancy	5–15 years		
		In case it results in the child's death	≥ 10 years		
	Art 207	Sexual intercourse by abuse of position	3 months–3 years		
		Forced sexual intercourse or other act of equivalent nature with a juvenile entrusted to him/her for study, education or care	1–10 years		
		When the offence is committed against a child	3–12 years		
		When the offence results in pregnancy, for the offence against a juvenile	2–12 years		
		When the offence results in pregnancy, for the offence against a child	3–15 years		
		When the offence resulted in the child's death	≥ 10 years		
	Art 208	Unlawful sex acts	< 2 years		
		Where the offence results in a serious bodily injury of a person against whom the offence was committed or where	2–10 years		



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
		the offence was committed by several persons or in an especially cruel or degrading manner			
		When it results in the death of the person against whom the offence was committed	3–15 years		
	Art 209	Pimping and enabling to have sexual intercourse – pandering	1–8 years		
		Making arrangements	6 months–5 years		
	Art 211	Child pornography (possession, dissemination, etc.)	6 months–5 years		X
		When inducing or exploiting a child to produce photos, audiovisual material or other items of pornographic content (child pornography) or for a pornographic performance	1–8 years		
		If the offence results in a serious bodily injury of a person against whom the offence was committed or where the offence was committed by several persons or in an especially cruel or degrading manner	2–10 years		
		If the offence results in the death of the person against whom the offence was committed	3–15 years		



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
	Art 211a	Incitement of a minor to observe criminal offenses against sexual freedom	3 months–3 years		
		Where the offence is committed against a juvenile by means of force or threats	6 months–5 years		
		If means of force or threats are used	1–8 years		
	Art 211b	Luring a child for criminal offences against sexual freedom by using information-communication technologies or otherwise arranges a meeting with a child or takes steps towards arranging such a meeting		6 months–5 years	
	Art 210	Mediation in prostitution			3 months–2 years
		If committed against a minor or where the offence was committed by several persons in an organized manner or the same penalty will also be imposed on whomever uses the sexual services of a minor			2–19 years
	Art 444	Trafficking in human beings			1–10 years.
If the offence is committed against a minor even where the perpetrator did not use force, threat or any other of the foregoing methods of commission or if the offence is committed against a minor or where the offence is committed by a public official while discharging his/her				≥ of 3 years	



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
		official duty or where the life of one or more persons is endangered with criminal intent			
		If the offence resulted in a serious bodily injury of a person			1–12 years
		If the offence results in the death of one or more persons			≥ of 10 years
		If the offence was committed in an organized manner by several persons			≥ of 10 years
		If whoever uses the services of a person knows that the person was the subject of the offence			6 months–5 years (adults), 3–15 years (minor)
Family Law	Art 24	Exceptions that allow marriage before the age of 18	x		
Law on Prevention of Family Violence	Art 2	Domestic violence	x		
	Art 8	Other forms of violence	x		
Law on Education	Art 9a	Physical and social violence, abuse and neglect of children and students, physical punishment and insult of a person	No penalties		
NORTH MACEDONIA					
Criminal Code	Art 418-d	Trafficking in children			8–20 years
		If the child is under 14 years old			12–20 years



Law		Child abuse	Online child exploitation	Commercial sexual exploitation of children	
	Article	Criminal offence	Penalties		
		By force; form of coercion, abduction, fraud; abuse of one's position or state of pregnancy, helplessness or physical or mental incapacity; by giving or receiving money or other benefits for the purpose of obtaining consent of a person who has control over another person; crime committed toward a child under 14 years of age; the user of sexual services from a child under 14 years of age; if the crime was committed by an official while performing the service			10–20 years
	Art 187	Sexual assault of a helpless person (applies only to minors more than 14 years of age), paragraph 2	10–20 years		
		+ severe bodily harm; multiple perpetrators; offence committed in a cruel or humiliating manner; offence committed out of hate	10–20 years		
	Art 188	Sexual assault toward a child under 14 years of age	12–20 years		
		+ severe bodily harm; multiple perpetrators; offence committed in a cruel or humiliating manner; offence committed out of hate	≥ 15–20 years		
	Art 189	Sexual assault by abuse of position (applies only to minors more than 14 years of age), paragraph 2	10–20 years		
	Art 193-a	Production and distribution of child pornography		5–20 years	
		Possession and purchase of child pornography		5–8 years	



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
		+ If online or a mass communication media		8–20 years	
	Art 193-b	Enticing a child who has not turned 14 years old to sexual intercourse or other sexual activity		1–5 years	
Law on Prevention and Protection	Art 3 para. 1/3	Domestic violence	no penalties listed		
Law on Rights of Children	Art 12	Prohibition of any form of sexual abuse, trafficking of children and exploitation for commercial purposes	no penalties listed		
Law on Family	Art. 124	Protection of child victims of human trafficking	no penalties listed		
	Art. 177-a to 177-m	Custody over child victims of human trafficking	no penalties listed		
Law on Social Protection	Art. 66	Health protection of victims of domestic violence and human trafficking	no penalties listed		
	Art. 83	Temporary residence of victims of domestic violence and human trafficking	no penalties listed		
	Art. 92	Family care of victims of domestic violence and human trafficking	no penalties listed		
Law on Foreigners	Art 2 para. 1/4-5	Protection of unaccompanied minor as a vulnerable person	no penalties listed		



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
	Arts. 121–125	Temporary residence of victims of trafficking	no penalties listed		
Law on Primary Education	Art 66	Preventing violence against students	fine between €401–500 (in Denar) for a misdemeanour for the director if he/she does not report the case		
SERBIA					
Constitution	Art 26	Prohibition of trafficking in human beings			
Criminal Code	Art 178 (3)	Rape of a minor	5–15 years		
	Art 178 (4)	Rape of a child	≥ 10 years		
		Sexual intercourse with a helpless child	5–18 years		
	179 (2)	Juvenile	5–15 years		
	179 (3)	Child	≥ 10 years		
	Art 180 (1)	Sexual intercourse with a child	5–12 years		
	Art 180 (2)	Sexual intercourse with a child by several persons or serious injury or pregnancy	5–15 years		



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
	Art 180 (3)	Sexual intercourse with a child resulting in death	≥ 10 years		
	Art 181 (2)	Sexual intercourse with a minor through abuse of position	1–10 years		
	Art 181 (3)	Sexual intercourse with a child through abuse of position	5–12 years		
	Art 181 (4)	Sexual intercourse with a minor resulting in pregnancy	2–12 years		
		Sexual intercourse with a child resulting in pregnancy	5–15 years		
	Art 181 (5)	Sexual intercourse with a child resulting in death	≥ 10 years		
	Art 182 (3)	Prohibited sexual acts with a child by several persons or serious injury or in a particularly cruel or humiliating manner	2–10 years		
	Art 182 (4)	Prohibited sexual acts resulting with the death of a child	≥ 5 years		
	Art 182a (2)	Sexual harassment of a minor	3 months–3 years		
	Art 183 (1)	Pimping			1–8 years and a fine
	Art 183 (2)	Procuring			6 months–5 years and a fine
	Art 184 (2)	Mediation in prostitution of a minor			1–10 years and a fine
	Art 185a (1)	Inducing a child to attend rape		1–8 years	



Law		Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties	
	Art 185a (2)	Inducing a child to attend rape with violence	2–10 years	
	Art 185 (1)	Showing pornographic material of a minor		fine or imprisonment up to 6 months
	Art 185 (2)	'Use' of a minor to produce pornographic material		6 months–5 years
	Art 185 (3) for criminal act in p.1	Showing pornographic material of a child		6 months–3 years
	Art 185 (3) for criminal act in p.1	'Use' of a child to produce pornographic material		1–8 years
	Art 185 (4)	Procurement and possession of pornographic content of a minor		3 months–3 years
	Art 185 (5)	Deliberate access to pornographic material of a minor		up to 6 months and a fine
	Art 185 b (1)	Sexual abuse of a minor by using computer network or communication		6 months–5 years and a fine
	Art 185 b (2)	Sexual abuse of a child by using computer network or communication		1–8 years



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
	Art 190 (1)	Cohabiting with a minor	≤ 3 years		
	Art 190 (2)	Inducing a minor to cohabitation	≤ 3 years		
	Art 190 (3)	Inducing a minor to cohabitation for gain	6 months–5 years		
	Art 193 (1)	Neglecting a minor	≤ 3 years		
	Art 193 (2)	Abuse and labour exploitation of a minor	3 months–5 years		
	Art 194 (3)	Domestic violence against a minor	2–10 years		
	Art 194 (4)	Domestic violence resulting in the death of a minor	3–12 years		
	Art 197	Incest	6 months–5 years		
	Art 388 (3)	Trafficking of a minor			≥ 5 years
	Art 388 (9)	Non-disclosure of information on trafficking of a minor			1–8 years
Law on Prevention of Domestic Violence	Art 4	Domestic violence	x		
Family Law	Art 10	Prohibition of family violence	x		



Law			Child abuse	Online child exploitation	Commercial sexual exploitation of children
	Article	Criminal offence	Penalties		
Law on Education	Art 45	Prohibition of violence in the educational system	x		



Practice and penalties commonly applied for child abuse and CSEC

ALBANIA

There is a lack of information about the penalties applied in reported cases. Interviews with the cybercrime unit showed that over a period of approximately six years it has investigated 61 alleged cases of child pornography. However, the investigations concluded that none of these were genuine cases of child pornography and were not considered as criminal offences.

Among those institutions that have reported recent data, the General Directorate of Police in Tirana declared the highest number of cases of child abuse (790 cases). Regarding sexual abuse of children, again the largest number of cases was reported by the Tirana Directorate: 46 in 2014-2015. In these 46 cases, the Tirana Directorate reported that 54% (25) resulted in severe punitive measures being taken against the perpetrators.

BOSNIA AND HERZEGOVINA

An analysis of verdicts from 2016 to 2019 shows that there was only one conviction (in 2018) for the offence of maltreating or neglecting a child or juvenile, which resulted in a sentence of three months' imprisonment. Given that the standard sentence for this criminal offence is between three months and five years, it is quite likely that the judge took extenuating circumstances into consideration in this case, because the convicted person received the minimum prescribed penalty.

There were 21 convictions in the country in 2018 for child pornography, which carries a one- to five-year prison sentence. Nevertheless, the penalties imposed were consistently on the low end of those permitted. In some cases, they were even below the minimum sentence, due to acceptance of extenuating circumstances.

When comparing the range of penalties for child trafficking (up to 20 years) to that for child pornography (up to five years), it is apparent that online sexual exploitation of children is not given the same weight as physical exploitation.

CRIMINAL OFFENCE		Exploiting a child for pornography
INVESTIGATION ORDERS		26
INVESTIGATION SUSPENSION ORDERS		3
INDICTMENTS ISSUED		13
INDICTMENTS WITH CRIMINAL ORDER		2
INFORMATION ON CONVICTIONS		21
ACCUSED	2018	1
SENTENCES		4 years (1x) 2 years (1x) 1 year (6x) 5 months (2x) 3 months (1x) enhanced surveillance measures (3x) seizing items (1x) 15 indictments, 21 convictions



The analysis indicates that the court more frequently recognizes mitigating rather than aggravating circumstances. Mitigating circumstances include: entering a guilty plea, lack of prior convictions, previous life of a perpetrator, personal or family circumstances, evidence of remorse, mental health issues and status as a sole breadwinner. This list of mitigating circumstances, especially the personal circumstances, demonstrates that the individual and economic well-being of the perpetrator is put ahead of the need to adequately sanction exploitation of a child.

KOSOVO

An analysis of the penalties imposed on perpetrators in Kosovo shows that there is a general need to provide judges and prosecutors with training and improved capacity to formulate sentences in line with legal provisions. As an example, in 2019 a foreign citizen found guilty of child abuse in pornography was sentenced by a court in Pristina to one year in prison. However, the sentence was not executed with the court sanction if no other criminal offences were committed by the perpetrator for a period of two years after the initial conviction. This sentence is far below the minimum threshold (Article 232 of the criminal code), which states that anyone who sells, distributes, promotes, displays, offers or makes available child pornography is punishable by imprisonment of between three and ten years.

In addition, aggravating and mitigating circumstances are not accurately considered, especially in cases which involve emotional control over and psychological coercion of the victim. In most cases, the courts have failed to assess the circumstances that are relevant to mitigating or aggravating the sentence when making the sentencing decision. Inadequate assessment of the circumstances is especially evident when courts decree sentences below the minimum threshold. In 2020, the prosecution released a suspected child rapist in Fushe Kosova in a routine procedure. The case ended with the macabre death of the victim. Despite mobilization of the media and civil society, nothing concrete happened and the episode did not trigger any follow-up or accountability measures in the child protection system.

MONTENEGRO

The legal framework is still not fully harmonized with the Istanbul or Lanzarote Conventions. Moreover, interviews showed that cases in Montenegro are not usually treated as CSEC. For example, one respondent noted that 'legislation exists, but what exists is not adequately implemented. And I personally think that the sanctions for these acts are minimal and should be much stricter. There are no very clear procedures ... and court data mostly shows how few of these cases we have. It is a confusing story in the legislation because CSEC can also include, for instance, early or forced marriages recognized in the Roma community, because these acts are separated and can belong to CSEC acts and human trafficking. It can be both and the sanctions are mild. In order for the law to be implemented, there must be infrastructure and support services for that target group that we do not have in Montenegro.'⁶²

The data shows that there are few convictions for child abuse or CSEC; those perpetrators that are convicted often receive minimal sentences, with the average being between three months and two years. As an example, for the crime of mediation in prostitution (which carries a penalty of up to 10 years of imprisonment), the perpetrators were sentenced to less than two years in prison. Similarly, for child pornography (up to five years in prison), the maximum sentence handed down was one year of imprisonment. In one child pornography case, the court initially sentenced the perpetrator to 230 hours of community service work, although the sentence was later revised to six months in prison.

While there are provisions in Article 444 on trafficking in human beings that look at unlawful marriage (use of force or threat) that could also be applied to early or forced marriage, it is common to prosecute the crime as one of the following two offences:

- Extramarital community with a minor (Article 216), punishable by a prison sentence of three months to three years; or
- Neglecting or abusing a minor (Article 219) punishable by a prison sentence of less than three years.



NORTH MACEDONIA

The available data from the State Statistical Office regarding imposed sanctions for sexual assault of a child under 14 years of age (Article 188) are limited to the type and duration of the imposed sanction, without any further details regarding the offences. In 2019, there was a drop in the number of convictions for this offence from 15 to two cases.

According to a survey on 'the rights of victims of human trafficking in judicial proceedings', which provides details of penalties imposed for specific criminal offences, results show that the courts have imposed various prison sentences on perpetrators convicted of child trafficking, depending on the type of exploitation.⁶³ Perpetrators convicted of child trafficking for sexual exploitation received sentences of between eight and 13 years in prison, while shorter sentences of at least four years were imposed for child trafficking for labour exploitation.

SERBIA

Data obtained from first instance court decisions in 2019 shows that in 89% of criminal cases, the defendants were convicted. In human trafficking cases, the courts convicted defendants 75% of the time. Three-fourths of those convicted of human trafficking in 2019 were sentenced to between three and five years in prison. In one-fourth of cases, the perpetrators received sentences of more than five years. In 2018, 50% of convictions resulted in a sentence of between three and five years in prison, while 38% were sentenced to more than five years. Thus, there was a decline from 2018 to 2019 in the length of sentences imposed.

Data from the first instance decisions passed during 2019 indicates that the absence of prior convictions was taken into account as a mitigating circumstance in all cases. In addition, the personal and family circumstances of the defendants played a role in reducing sentences: the fact that the defendant was a 'family man' or had minor children was taken into account for five defendants, while the age and health of the defendant were each considered in one case. In most cases, the court considered previous convictions as an aggravating factor. The analysis demonstrated that the circumstances stipulated by law, such as the motive, the severity of the threat or violation and the perpetrator's attitude after the crime, especially toward the victim, were rarely assessed when deciding on the sentence.

It is important to add that on 4 March 2021, the Constitutional Court of the Republic of Serbia accepted the constitutional complaint of a human trafficking victim and ruled that the prohibition of human trafficking as well as the right to a trial within a reasonable time were previously violated. Experts argue that this decision will be important for the entire legal system of the Republic of Serbia, as by determining the violation of the constitutional prohibition of human trafficking, it has been indicated that trafficking in human beings cannot be reduced only to the criminal aspect, but that it has its own constitutional character with the main goal of protecting trafficking victims.



Legal recommendations

A wide range of national laws are pivotal to the enforcement and prosecution of CSEC and tech-enabled human trafficking offences. These laws should be reviewed to ensure that they adequately apply to these offences and are in line with international standards as set out in the Budapest Convention. Such laws include the criminal code, criminal procedure codes, rules of evidence, human trafficking legislation, cybercrime legislation, legislation regulating ISPs (including their data-sharing obligations) and laws relating to covert operations and investigations.

Regional recommendation

National provisions be harmonized through regional instruments.

- Ratify or accede to relevant conventions, protocols and regional instruments.
- Seek consensus on the approach to the monitoring obligations and liabilities of ISPs across the region.
- Avoid piecemeal national shifts, creating burdens for the private sector and technical loopholes for perpetrators to easily exploit.
- Prioritize regional frameworks and discuss current approaches at international forums, including the UN, and regional bodies, such as the OSCE.

National legislation, particularly that related to CSEC and tech-facilitated CSEC criminal offences, be reviewed regularly.

- Harmonize national legislation with international and regional legislation and signed conventions especially related to: the production of child abusive material; offering or making available child pornography; distribution or transmission of child pornography; procuring child pornography for oneself or for another person; possession of child pornography; conscious attendance of pornographic performances with participation of children; conscious access to child pornography through information and communication technologies, including online grooming and sexual extortion.
- Review and harmonize the definitions across laws and strategic documents as well as the terms used.
 - Include and define CSEC and tech-facilitated CSEC as separate crimes within the criminal code.
 - Use the terminology guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse⁶⁴ as guiding principles and do not use the term 'child pornography' as such, but replace it with 'child sexual abuse material'.
- Update legislation due to the evolving and high-tech nature of tech-facilitated CSEC.
- Raise the age limit for legal sexual intercourse and reconsider exceptions that refer to possible marriage before the age of majority, from the age of 16.
- Adopt a law on monetary compensation for victims of criminal acts (including for victims of human trafficking and sexual violence) and find sources for its implementation.



Country specific recommendations

Albania:

- Albania should ratify or accede to relevant conventions, protocols, and regional instruments on child protection.
- Advocate for national legislation that prohibits, prevents and responds to CSEC in all its manifestations, including other forms of online exploitation. Such legislation should comply with international legal standards.
- Adopt a formal definition of child sexual abuse material and criminalize other forms of online child sexual exploitation, such as online grooming and sexual extortion.
- The definition of 'child pornography' in the Albanian Criminal Code should be revised (to identify it as CSEC for pornographic purposes), since the current definition results in limits criminalization of the perpetrators and downplays the exploitative nature of the phenomenon.
- Ensure that all relevant authorities are provided with the necessary training to adequately implement the Criminal Justice for Children Code.
- Punitive measures should be taken against all perpetrators and accomplices of CSEC, SECTT and CSEC-related offences, regardless of who they are and when or in what circumstances the crimes were committed.

Bosnia and Herzegovina:

- Harmonize the national legislation related to CSEC, SECTT and tech-facilitated criminal offenses.
- Replace the term 'child pornography' with 'child sexual abuse material', in accordance with the 'Terminology guidelines for the protection of children from sexual exploitation and sexual abuse'.⁶⁵
- Ensure that the following intentional conduct is prosecuted: production of CSEC materials; offering or making such illicit materials available; distributing or transmitting CSEC materials; procuring CSEC materials for oneself or for another person; possessing CSEC materials; conscious access to CSEC materials through ICT.
- Encourage the participation of children in the development and implementation of policies, programmes or other initiatives related to countering CSEC. Examples include youth panels and peer education practices at the Safer Internet Centre.
- Define specific policies on tech-facilitated CSEC and adopt a strategic action framework for their implementation.
- Comply with the obligations arising from international documents and conventions that the country has signed and ratified, including the Council of Europe Convention on Cybercrime; Council of Europe Convention on Action against Trafficking in Human Beings; Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms; European Convention on the Exercise of Children's Rights; UN Convention on the Rights of the Child and its Optional Protocols; Framework Decision of the Council of the European Union on combating the sexual exploitation of children and child pornography; Framework Decision of the Council of the European Union on the situation of victims in criminal proceedings; and Framework Decision of the Council of Europe on combating trafficking in human beings.
- Pay special attention to defining the goal of policies to prevent and combat CSEC; such goals should be non-discriminatory.



Kosovo:

- Review legislation on a regular basis, given the evolving and high-tech nature of tech-facilitated CSEC.
- Revise inappropriate terminology and comply with international normative standards.
- Strictly implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse no. 201 (Swiss Diamond, 2020).
- Harmonize legislation and information-sharing among stakeholders and synchronize operations addressing CSEC.

Montenegro:

- Declare eliminating violence against children as a national priority, and clearly recognize CSEC and its manifestations in strategic documents.
- Harmonize legislation on any forms of violence against children with the international legislation and signed conventions and protocols (especially Lanzarote and Istanbul).
- Include and define CSEC, including its manifestations such as tech-facilitated CSEC and SECTT, as separate crimes within the criminal code.
- Review the definition of the child within the criminal code and harmonize it with the constitution, the Law on Social and Child Protection and the Family Law, as well as with the UNCRC.
- Raise the age of consent for legal sexual intercourse
- Reconsider the exceptions that refer to possible marriage before the age of majority, from the age of 16.
- Harmonize the national legislative framework and the development of by-laws, regulations and procedures.
- Promote a child-friendly approach within the legislative framework and practice.

North Macedonia:

- Legally define the term 'potential victim'.
- Harmonize different terminologies to eliminate possible confusion which may compromise the quality of help and support given to (potentially) trafficked persons.
- Revise the penal policy to correspond adequately with the severity of the crime of CSEC, including adopting adequate punishment policies.
- Adopt a law on monetary compensation for victims of criminal acts (including CSEC victims) and find resources for its implementation.

Serbia

- Harmonize the definition of a child with international standards so child means every person under the age of 18 years.
- Replace the terms 'child pornography' and 'child prostitution' with appropriate terms.
- Consider deleting paragraph 2 of article 184 on mediation in prostitution of the criminal code and treat each case of sexual exploitation of a child in prostitution as sexual exploitation or trafficking in children.
- Criminalize the conscious attendance of pornographic performances with participation of children in the criminal code.
- In relation to acts pertaining to child exploitation in prostitution, the criminal code should prescribe as an aggravating circumstance the fact that the perpetrator, intentionally or negligently, endangered the life of the child or that the crime involved severe violence or caused serious harm to the child.
- Consider stricter penal policy on criminal acts related to CSEC.
- Raise the age of consent for legal sexual intercourse in the law.
- Strengthen a child-friendly approach in the legal framework and criminal justice systems.
- Involve Roma representatives in existing framework bodies.



Notes

- ¹ For further information on the convention, see https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en.
- ² Kodi Penal I Republikës Së Shqipërisë No. 7895, dated 27 January 1995, amended: 36/17, 89/17.
- ³ Criminal Code of Bosnia and Herzegovina; Criminal Code of the Federation of Bosnia and Herzegovina; Criminal Code of the Republic of Srpska; Criminal Code of Brčko District.
- ⁴ Code No. 06/L-074.
- ⁵ Official Gazette 70/2003, 13/2004 and 47/2006; Official Gazette no. 40/2008, 25/2010, 32/2011, 64/2011, 40/2013, 56/2013, 14/2015, 42/2015, 58/2015, 44/2017, 49/2018 and 3/2020. The age limit for legal sexual intercourse is 14 years; the term child applies only to a person up to the age of 14 years.
- ⁶ Criminal Code of the Republic of North Macedonia, https://www.legislationline.org/download/id/8145/file/fYROM_CC_2009_am2018_en.
- ⁷ Official Gazette no. 85/05, 88/05, 107/05, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 and 35/19.
- ⁸ See <http://femijet.gov.al/al/wp-content/uploads/2017/06/Law-No-18-2017-On-the-rights-and-protection-of-the-child.pdf>.
- ⁹ Official Gazette of BiH, No. 09/08 and 49/13
- ¹⁰ Official Gazette of BiH, No. 66/07.
- ¹¹ No. 06/L-074.
- ¹² No. 03/L –166.
- ¹³ See https://ener.gov.mk/files/propisi_files/doc1/114_1627382876Пропис_Закон%20за%20заштита%20на%20децата_1.1.pdf.
- ¹⁴ See https://www.paragraf.rs/propisi/zakon_o_maloletnim_uciniocima_kvivicnih_dela_i_kvivicnopravnoj_zastiti_maloletnih_lica.html.
- ¹⁵ See https://www.paragraf.rs/propisi/zakon_o_preksajima.html.
- ¹⁶ Official Gazette of the Republic of Serbia, No. 32/13, <http://demo.paragraf.rs/WebParagrafDemo/?did=198801>.
- ¹⁷ See https://www.paragraf.rs/propisi/zakon_o_informacionoj_bezbednosti.html.
- ¹⁸ See https://www.paragraf.rs/propisi/zakon_o_elektronskim_komunikacijama.html.
- ¹⁹ In Kosovo: [Law No. 04/L-218](#) On Preventing And Combating Trafficking In Human Beings And Protecting Victims Of Trafficking.
- ²⁰ United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, November 2000, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=en.
- ²¹ Action Plan for Children 2015–2018 adopted by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina and Strategy for Combating Human Trafficking 2020-2023 adopted by the Council of Ministers of Bosnia and Herzegovina.
- ²² Majority of the criminal justice staff interviewed for this report.
- ²³ Family Law, OG of MNE, no. 1/2007 and 53/2016.
- ²⁴ Department for the Protection of the Rights of National, Religious and Other Minorities, the Institution of Human Rights Ombudsman of Bosnia and Herzegovina, <https://www.ombudsmen.gov.ba/Default.aspx?id=12&lang=EN>.
- ²⁵ Alice Edwards, New Roma rights in Bosnia and Herzegovina: Positive, negative or indifferent?, *International Journal of Human Rights*, 9, 465–478, <https://ssrn.com/abstract=1535431>.
- ²⁶ Ibid.
- ²⁷ The law ‘On the rights and protection of the child’ provides for a system that is coordinated at the national and local levels. However, the multisectoral case management must be strengthened. At the local level, not all institutions actively participate in the Inter-Sectoral Technical Group meetings nor are they involved in the management of cases of children in need of protection.
- ²⁸ Sexual exploitation of children through information technology is criminalized only in Article 211 on child pornography. This Article includes two separate criminal offences which have the same passive subject and are both related to pornography. The first part covers incidents in which pornography is made available to the child through ICT or in another way, while the second deals with cases in which a minor or child is used to produce objects or performances of pornographic content.
- ²⁹ Articles 193a and 193b involve criminal acts committed using a computer network.
- ³⁰ Criminal code, Abuse of Computer Networks and Other Methods of Electronic Communication to Commit Criminal Offences Against Sexual Freedom of Minors (Article 185b, paragraph 2), Information Security Act (Article 19a) and the Electronic Communications Act (Part XVI and Part XVII, Article 126 – 130a), https://www.paragraf.rs/propisi/zakon_o_elektronskim_komunikacijama.html.
- ³¹ Criminal code of the Republic of Srpska, Production and Screening Child Pornography (Article 200) is the only provision mentioning the internet or a digital environment. There is no mention of the terms ‘internet’ ‘online’, ‘digital environment’ or



'media' as a specific location of criminal acts as is the case in the criminal codes of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and Brcko District.

³² Articles 193a and 193b involve criminal acts committed using a computer network.

³³ Act on the Organisation and Competences of Government Authorities Combating Cyber Crime, Part III.

³⁴ For the first time, the government is working on a National Strategy for Sexual Abuse involving sexual abuse on the internet. The first strategy is in development and will be finalized in mid-2021.

³⁵ An amendment of the legislation is planned. The working group on drafting the changes to the criminal code was established by the Ministry of Justice in 2019, but there is no information available about the direction or timeframe of the changes. On 1 December 2019, the Serbian parliament adopted criminal code amendments increasing sentences for some serious crimes to life imprisonment. These changes were occasioned by the abduction and murder of a girl and based on an initiative launched by her father.

³⁶ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, <https://rm.coe.int/protection-of-children-against-sexual-exploitation-and-sexual-abuse/1680794e97>.

³⁷ Article 100 of the Albanian criminal code criminalizes engaging in sexual or homosexual activities with children under the age of fourteen or with a female minor who has not reached sexual maturity. This provision fully reflects Article 18a of the Lanzarote Convention. However, Article 100 contains discriminatory language due to its distinction between sexual and homosexual activities and discriminatory treatment between boys and girls with regard to reaching sexual maturity. Article 101 of the Albanian criminal code criminalizes engaging in sexual or homosexual activities with the use of force with minors between 14 and 18 years of age who have reached sexual maturity. It partially reflects Article 18b of the Lanzarote Convention, mentioning only one of its elements: specifically, sexual abuse with force with children above the age of sexual consent. Article 101 therefore appears to conform with the international standard only with regard to the element of force. This article also contains discriminatory language due to the distinction between sexual and homosexual activities.

³⁸ Interviews with a representative of the cybercrime unit of the Albanian Police in Tirana, a civil society representative working in child protection in Skopje, a representative of the anti-trafficking unit of the Kosovo Police in Pristina and a civil society representative working on child protection in Bosnia and Herzegovina, November 2020.

³⁹ Ibid.

⁴⁰ Interview with a civil society representative working in child protection in Kosovo, December 2020.

⁴¹ Article 180 on sexual intercourse with a child covers only children under the age of 14 years; see also article 184 paragraph 2.

⁴² Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age of consent for sexual activities.

⁴³ Law 18/2017: For the rights and protection of the child; article 23: Protection from all forms of violence; article 26: Protection from Trafficking and any Form of Sexual Exploitation and Abuse.

⁴⁴ Criminal Code of Bosnia and Herzegovina (articles 186 and 186a); Criminal Code of the Federation of Bosnia and Herzegovina (articles 203, 205, 207, 208, 209, 210a, 210b, 211, 212 and 213); Criminal Code of the Republic of Srpska (articles 146, 147, 165, 171, 172, 173, 174, 175, 176, 177, 178, 179 and 180); and Criminal Code of the Brcko District (articles 200, 202, 204, 205, 206, 207a, 207b, 208, 209 and 210).

⁴⁵ Criminal Code of the Republic of Kosovo (Code No. 06/L-074), article 183.

⁴⁶ Criminal Code article 206, sexual intercourse with a child.

⁴⁷ Criminal Code article 188, sexual assault upon a child who has not turned 14 years of age.

⁴⁸ Criminal Code 180/2, 182/2, 182a/2.

⁴⁹ Engaging in sexual activities with a child where use is made of coercion, force or threats or abuse is made of a recognized position of trust, authority or influence over the child, including within the family.

⁵⁰ Criminal Code of the Federation of Bosnia and Herzegovina (articles 203, 204, 205, 206, 207, 208, 209, 211, 212 and 213); Criminal Code of the Republic of Srpska (articles 172, 173, 174, 175, 176, 177, 179 and 180); and Criminal Code of the Brcko District (articles 200, 201, 202, 203, 204, 205, 210, 206, 208 and 209).

⁵¹ Criminal Code of the Republic of Kosovo (Code No. 06/L-074): article 183 and article 225, also applicable for 'sexual abuse of a vulnerable child.

⁵² Criminal code article 205, forced sexual intercourse with a physically helpless person; article 207, paragraph 3, sexual intercourse by abuse of position.

⁵³ Aggravating circumstances in article 188 of the criminal code includes different elements: bodily injury, several perpetrators, cruel or humiliating manner. In addition, some elements are mentioned within trafficking in children (article 418d of the criminal code).

⁵⁴ Criminal code article 181/2-3.

⁵⁵ Abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

⁵⁶ Criminal code article 205, forced sexual intercourse with a physically helpless person.

⁵⁷ Criminal code article 187, sexual assault of a helpless person.

⁵⁸ Criminal code article 179/3.

⁵⁹ Minors are included in the general human trafficking legislation as an aggravating circumstance. It is important to note that the criminal code uses the term child only for a person up to 14 years old (paragraph 7), while the term juvenile is used for



persons aged 14 to 18 (paragraph 8). Also, the criminal code sets the age limit for consent to legal sexual intercourse to 14 years old.

⁶⁰ Lack of a definition of child pornography also impairs the application of other legal provisions, such as article 27 of the Law on the Rights and Protection of the Child, and article 15 (e) of the Electronic Communications Law.

⁶¹ The Criminal Code of the Republic of Srpska is the only one which does not foresee long-term imprisonment for criminal offences related to human trafficking. However, it has the most defined criminal offences related to the online sexual exploitation of children. Existing offences in this Code that do not exist in the other criminal codes in Bosnia and Herzegovina include: exploitation of children for pornographic performances; use of a computer network or communications by other technical means for the commission of criminal offences of sexual abuse or exploitation of children; sexual harassment; and sexual blackmailing. Related to other provisions, all four criminal codes in Bosnia and Herzegovina are more or less aligned. Generally, the biggest difference between similar criminal offences in all four codes is between two and five years, while the smallest is one year.

⁶² Interview with criminal justice representatives, November 2020 via Zoom.

⁶³ G Lažetć and I Zdravkova, The rights of victims of human trafficking in judicial proceedings, Preventing and combating human trafficking in North Macedonia, Horizontal instrument for the Western Balkans and Turkey - second phase, Program Office of the Council of Europe, Skopje, July 2020, <https://rm.coe.int/hf29-research-thb-mkd/16809f035d>.

⁶⁴ S Greijer and J Doek, Terminology guidelines for the protection of children from sexual exploitation and sexual abuse, approved by the Interagency Working Group on Sexual Exploitation of Children in Luxembourg, ECPAT International with ECPAT Luxembourg, 28 January 2016, <http://luxembourgguidelines.org/>.

⁶⁵ S Greijer and J Doek, Terminology guidelines for the protection of children from sexual exploitation and sexual abuse, approved by the Interagency Working Group on Sexual Exploitation of Children in Luxembourg, ECPAT International with ECPAT Luxembourg, 28 January 2016, <http://luxembourgguidelines.org/>.

