

Legal questionnaire completed by Karanovic & Partners • November 2025

This document contains responses from the law firm listed above to a questionnaire distributed by NCMEC (questions are in **bold text**). Responses to the questionnaire may be limited to officially enacted legislation; it is possible that actual practice or enforcement of the law varies, and relevant court rulings or case law may also differ from legislative text. Responses have been reformatted and may have been slightly edited for clarity. Furthermore, responses may include commentary, paraphrasing, and unofficial translations of source material (e.g., national legislation) originally produced in other languages. Only official source documents in official languages should be relied upon as legally binding. This document serves to inform further research and does not constitute legal advice from NCMEC or the listed law firm.

Is this jurisdiction a European Union (EU) Member State or otherwise subject to EU laws/regulations (such as an overseas territory or department of an EU Member State)?

No.

1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your jurisdiction):

a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

Article 1 of the United Nations Convention on the Rights of the Child ([official text of the Convention on the Rights of the Child](#)), which Serbia has ratified, defines a child as every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 3 of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles ([official text of Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles](#)) defines terms related to the criminal responsibility of minors:

- a) a juvenile is a person who at the time of commission of the criminal offence has attained fourteen years of age and has not attained eighteen years of age;
- b) a younger juvenile is a person who at the time of commission of the criminal offence has attained fourteen and is under sixteen years of age;
- c) an elder juvenile is a person who at the time of commission of the criminal offence has attained sixteen and is under eighteen years of age;
- d) a young adult is a person who at the time of commission of the criminal offence has attained eighteen but has not reached twenty-one years of age at the time of the trial.

Article 112, Paragraphs 8, 9, and 10 of the Criminal Code of the Republic of Serbia (the **Criminal Code**) ([official text of Criminal Code](#)) defines child and minor as:

- a) a child is a person under fourteen years of age;
- b) a minor is a person over fourteen years of age but who has not attained eighteen years of age;
- c) a juvenile is a person who has not attained eighteen years of age.

b. child sexual exploitation (Missing Children's Assistance Act of 2023, Section 2, (a)(1)(9),



<https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

The term “child sexual exploitation” is not explicitly defined as such, i.e., as a single legal term in a specific law, but child sexual exploitation is regulated through several key legal provisions, mainly within criminal law.

Specifically, the Criminal Code ([official text of Criminal Code](#)) contains provisions related to various forms of child sexual abuse and exploitation, which are governed by the respective law as specific criminal offences, including, but not limited to, the following ones:

- *Sexual Intercourse with a Child*

Article 180 Paragraph 1. Whoever has sexual intercourse or commits an equal act against a child, shall be punished with imprisonment of five to twelve years.

- *Showing, Procuring and Possessing Pornographic Material and Exploiting a Minor for Pornography*

Article 185 Paragraph 1. Whoever sells, shows or publicly displays or otherwise makes available texts, pictures, audio-visual or other items of pornographic content to a minor or shows to a minor a pornographic performance, shall be punished with a fine or imprisonment up to six months.

Article 185 Paragraph 2. Whoever uses a minor to produce photographs, audio-visual or other items of pornographic content or for a pornographic show, shall be punished with imprisonment of six months to five years.

Article 185 Paragraph 4. Whoever procures for himself or another and possesses, sells, shows, publicly exhibits or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting from abuse of minor person, shall be punished with imprisonment of three months to three years.

Article 185 Paragraph 5. Whoever uses the means of information technologies to deliberately access the photographs, audio-visual or other items of pornographic content resulting from the abuse of a minor shall be punished with a fine or imprisonment of up to six months.

- *Abuse of Computer Networks or Communication by Other Technical Means for Committing Criminal Offences against Sexual Freedom of the Minor*

Article 185b Paragraph 1. Whoever with intent to commit criminal offence specified in Articles 178 Paragraph 4, 179 Paragraph 3, 180 Paragraphs 1 and 2, 181 Paragraphs 2 and 3, 182 Paragraph 1, 183 Paragraph 2, 184 Paragraph 3, 185 Paragraph 2, and 185a of this Code, by using computer network or communication by other technical means, makes appointment with a minor and appears at the place of the appointment, shall be punished with imprisonment of six months to five years and with fine.



Article 185b Paragraph 2. Whoever commits the criminal offence from Paragraph 1 of this Article towards a child, shall be punished with imprisonment of one year to eight years.

Furthermore, Article 19 of the United Nations Convention on the Rights of the Child ([official text of the Convention on the Rights of the Child](#)) prescribes that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

c. **sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)**

There is no specific, explicitly prescribed definition of this term in the relevant Serbian legislation.

d. **child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)**

Article 18 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ([official text of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#)), which Serbia has ratified, provides that sexual abuse means:

- a) 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;
- b) 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; or
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Also, the Criminal Code ([official text of Criminal Code](#)) contains provisions related to various forms of child sexual abuse and exploitation, which are governed by the respective law as specific criminal offences, including, but not limited to, the following:

- *Sexual Intercourse with a Child*

Article 180 Paragraph 1. Whoever has sexual intercourse or commits an equal act against a child, shall be punished with imprisonment of five to twelve years.

- *Showing, Procuring and Possessing Pornographic Material and Exploiting a Minor for Pornography*

Article 185 Paragraph 1. Whoever sells, shows or publicly displays or otherwise makes available texts, pictures, audio-visual or other items of pornographic



content to a minor or shows to a minor a pornographic performance, shall be punished with a fine or imprisonment up to six months.

Article 185 Paragraph 2. Whoever uses a minor to produce photographs, audio-visual or other items of pornographic content or for a pornographic show, shall be punished with imprisonment of six months to five years.

Article 185 Paragraph 4. Whoever procures for himself or another and possesses, sells, shows, publicly exhibits or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting from abuse of minor person, shall be punished with imprisonment of three months to three years.

Article 185 Paragraph 5. Whoever uses the means of information technologies to deliberately access the photographs, audio-visual or other items of pornographic content resulting from the abuse of a minor shall be punished with a fine or imprisonment of up to six months.

- *Abuse of Computer Networks or Communication by Other Technical Means for Committing Criminal Offences against Sexual Freedom of the Minor*

Article 185b Paragraph 1. Whoever with intent to commit criminal offence specified in Articles 178 Paragraph 4, 179 Paragraph 3, 180 Paragraphs 1 and 2, 181 Paragraphs 2 and 3, 182 Paragraph 1, 183 Paragraph 2, 184 Paragraph 3, 185 Paragraph 2, and 185a of this Code, by using computer network or communication by other technical means, makes appointment with a minor and appears at the place of the appointment, shall be punished with imprisonment of six months to five years and with fine.

Article 185b Paragraph 2. Whoever commits the criminal offence from Paragraph 1 of this Article towards a child, shall be punished with imprisonment of one year to eight years.

Furthermore, Article 19 of the United Nations Convention on the Rights of the Child ([official text of the Convention on the Rights of the Child](#)) prescribes that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

- e. **child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)**

Article 20. of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ([official text of the Convention on the Protection of Children](#)



against Sexual Exploitation and Sexual Abuse) provides that "child pornography" means:

- a) producing child pornography;
- b) offering or making available child pornography;
- c) distributing or transmitting child pornography;
- d) procuring child pornography for oneself or for another person;
- e) possessing child pornography;
- f) knowingly obtaining access, through information and communication technologies, to child pornography.

The "child pornography" definition is also envisaged by Article 185 of the Criminal Code which governs the criminal offence of *Showing, Procuring and Possessing Pornographic Material and Exploiting a Minor for Pornography* ([official text of Criminal Code](#)).

Specifically, it is explicitly prescribed by the respective provisions (Article 185 Paragraph 6. of the Criminal Code) that child pornography (i.e., items of pornographic content resulting from abuse of minor persons) shall be considered to include each material that is visually representing a minor involved in actual or simulated sexually explicit behavior, as well as each instance of displaying of a child's genitals for sexual purposes.

- f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)**

There is no specific explicit legal definition of computer-generated images or videos of child pornography or CSAM, including those created by artificial intelligence or morphing techniques. However, the Criminal Code contains certain related provisions which may be regarded to cover these offences, i.e., it governs particular criminal offences which do include pornographic material/child pornography.

Specifically, the criminal offence *Showing, Procuring and Possessing Pornographic Material and Exploiting a Minor for Pornography* is governed by Article 185 of the Criminal Code ([official text of Criminal Code](#)). The following is, among other things, prescribed by the respective provisions of the Criminal Code (definition of items of pornographic content is included as well):

Article 185 Paragraph 1. *Whoever sells, shows or publicly displays or otherwise makes available texts, pictures, audio-visual or other items of pornographic content to a minor or shows to a minor a pornographic performance, shall be punished with a fine or imprisonment up to six months.*

Article 185 Paragraph 2. *Whoever uses a minor to produce photographs, audio-visual or other items of pornographic content or for a pornographic show, shall be punished with imprisonment of six months to five years.*

Article 185 Paragraph 4. *Whoever procures for himself or another and possesses, sells, shows, publicly exhibits or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting from abuse of minor person, shall be punished with imprisonment of three months to three years.*



Article 185 Paragraph 5. *Whoever uses the means of information technologies to deliberately access the photographs, audio-visual or other items of pornographic content resulting from the abuse of a minor shall be punished with a fine or imprisonment of up to six months.*

Article 185 Paragraph 6. *The items of pornographic content resulting from the abuse of a minor (child pornography) shall be considered to include each material that is visually representing a minor involved in actual or simulated sexually explicit behavior, as well as each instance of displaying of a child's genitals for sexual purposes.*

Article 185 Paragraph 7. *Items specified in paragraphs 1 through 4 of this Article shall be confiscated.*

It should also be noted that the legislation is generally interpreted to cover fake or simulated content if it in any way harms or violates the rights of children.

Also, Serbia follows international standards and obligations (such as those from the Council of Europe and the United Nations) which often include regulation of digital or artificially created content in the area of child pornography.

- g. enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)**

Although the Criminal Code ([official text of Criminal Code](#)) does not explicitly use the term "grooming", the provision below covers acts that are an essential part of it—encouraging, persuading, and preparing a child for sexual exploitation or pornography.

Article 185b Paragraph 1. *Whoever with intent to commit criminal offence specified in Articles 178 Paragraph 4, 179 Paragraph 3, 180 Paragraphs 1 and 2, 181 Paragraphs 2 and 3, 182 Paragraph 1, 183 Paragraph 2, 184 Paragraph 3, 185 Paragraph 2, and 185a of this Code, by using computer network or communication by other technical means, makes appointment with a minor and appears at the place of the appointment, shall be punished with imprisonment of six months to five years and with fine.*

This provision specifically addresses situations where the offender, through the internet or other technical means of communication, establishes contact and prepares (entices or persuades) a minor for sexual activities, which is the essence of grooming.

- h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?**

Article 180 of the Criminal Code ([official text of Criminal Code](#)). *Whoever has sexual intercourse or commits an equal act against a child, shall be punished with imprisonment of five to twelve years.*

According to the Criminal Code, a child is defined as a person under the age of 14. Thus, any sexual activity with a person below this age limit is considered a criminal offense, regardless of the child's consent.



- i. **Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

There is no specific, explicitly prescribed definition of this term in the relevant Serbian legislation (thus, in the Criminal Code either).

Sextortion may, nevertheless, be treated as a form of extortion and abuse and, as such, it may be regarded, subject to circumstances of each particular case, as “covered” by such more general rules envisaged by both criminal legislation and legislation protecting minors.

2. **Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:**

- a. **review, screen, moderate, or detect content to identify child pornography or CSAM content**

Online platforms are not legally required to proactively review, filter, moderate, or detect content in order to identify child pornography or Child Sexual Abuse Material (CSAM).

However, there are certain obligations/liabilities which may be applicable to online platforms (i.e., providers of online platforms) in this respect, as providing, presenting, publicly displaying, otherwise making available child pornography/CSAM content is a legally prohibited behavior (such as on the basis of Article 185 of the Criminal Code, which explicitly criminalizes child pornography).

In brief, if an online platform's provider becomes aware of the presence of any prohibited content on its platform (i.e., of any child pornography/CSAM on its platform), it is obliged to remove it or disable access to it, as well as to report it to a competent state authority (and provide all relevant available information to the respective authority) if it has a reasonable doubt of any prohibited activity or behavior undertaken on its platform, for the sake of detecting or prosecuting the perpetrators of criminal acts and protecting third parties' rights.

In terms of international standards and conventions, Serbia is party to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ([official text of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#)), which calls on member countries to cooperate and take proactive measures to combat the online sexual exploitation of children, as prescribed in Article 10 of the respective Council of Europe Convention.

- b. **review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child**

Online platforms are not legally required to proactively review, filter, moderate, or detect content to identify the enticement, grooming or sextortion of a child.



However, there are certain obligations or liabilities which may be applicable to online platforms (i.e., providers of online platforms) in this respect, on the basis that any content which involves the enticement, grooming or sextortion of a child, i.e., providing, presenting, publicly displaying, or otherwise making available any such content is a legally prohibited behavior (such as, subject to the circumstances, on the basis of Chapter 18 of the Criminal Code which governs sexual offences and/or on the basis of other provisions of the respective national criminal legislation).

In brief, if an online platform's provider becomes aware of presence of any prohibited content on its platform (thus, of any of the aforementioned materials or content as well), it is obliged to remove it or disable access to it, as well as to report it to a competent state authority (and provide all relevant available information to the respective authority) if it has a reasonable doubt that there has been any prohibited activity or behavior undertaken on its platform, for the sake of detecting or prosecuting the perpetrators of criminal acts and protecting third parties' rights.

In terms of international standards and conventions, Serbia is party to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ([official text of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#)), which calls on member countries to cooperate and take proactive measures to combat the online sexual exploitation of children, as prescribed in Article 10 of the respective Council of Europe Convention.

- c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization**

Although online platforms are not legally required to proactively review content in order to detect any prohibited content (including any of the aforementioned content), providers of online platforms are obliged to report it to a competent state authority (and provide all relevant available information to the respective authority) if they have a reasonable doubt that there has been any prohibited activity or behavior undertaken on their platform, for the sake of detecting or prosecuting the perpetrators of criminal acts and protecting third parties' rights.

- d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about**

Although online platforms are not legally required to proactively review content in order to detect any prohibited content (including any of the aforementioned content), they are obliged, if they become aware of presence of any prohibited content on their platforms (thus, of any of the aforementioned content either), to remove any such content or disable access to it.

- e. review content by human moderators to screen or moderate for child pornography or CSAM**

There is no legal obligation for online platforms to engage human moderators exclusively for reviewing content in order to screen and/or moderate for child pornography or CSAM.

However, as noted above, providers of online platforms do have certain obligations when it comes to any legally prohibited content and activities on their platforms (including those involving any child pornography and CSAM): (i) obligation to remove such content or disable access to it, and (ii) obligation to report it to a competent state authority (and provide all relevant available information to the respective authority) if they have a reasonable doubt that there has been any prohibited activity or behavior undertaken on their platform, for the sake of detecting or prosecuting the perpetrators of criminal acts and protecting third parties' rights.

- f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency**

As stated above, providers of online platforms are obliged to remove any legally prohibited content from their platforms or disable access to any such content (including any child pornography, CSAM, enticement, grooming or sextortion content) if they become aware of presence of such prohibited content. This obligation is not conditioned upon the manner in which they become aware of the content's presence, thus the obligation is equally applicable when their "source" of the respective "knowledge" is a victim, NGO, law enforcement or government agency/authority.

- g. use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:**
- i. "Hashing technology" (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.**
 - ii. Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.**

Providers of online platforms are not obliged to use any specific technology (including "Hashing technology" or Artificial Intelligence) to undertake any of the aforementioned activities concerning legally prohibited content.

- h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?**

Not applicable.

- 3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?**

There is no specific method of the respective verification which is legally prescribed as mandatory to be implemented by providers of online platforms in general. In practice, some online platforms (such as those involved in online sales of products which must not be sold to children/minors such as alcohol or tobacco products) do request from visitors, as the precondition for allowing their

access to the respective platforms, to confirm that they are at least 18 years old and/or to provide their date of birth.

4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?

No, in Serbia there is no specific legally prescribed method that online platforms must implement to obtain parental consent prior to a child using its services.

For the sake of completeness, the age of 15 is explicitly prescribed (by the Serbian Law on Protection of Personal Data which is the GDPR aligned law / Article 16) as the age as of which minors can lawfully consent on their own to their personal data's processing (including, such data being processed online or processed as a part of obtaining the services of an Online Platform). Consequently, minors/children under 15 years of age cannot provide consent on their own, but require their parents or legal guardians to do so on their behalf.

The same law also states that the "data controller" (as defined in the law) is obliged to undertake reasonable measures to establish whether consent was provided by a parent exercising parental right or other legal guardian, considering available technologies. However, it does not provide details as to what are reasonable measures in the aforementioned sense.

5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:

a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?

There is no particular legal remedy explicitly prescribed for this purpose.

However, certain other legal remedies, stemming from some more general legal regulations, may be applicable here as well/may serve for the respective purpose. Specifically, one of such remedies is a data subject's right to request deletion of the processed personal data from the data controller when the processing is unlawful. This remedy is one of the data subject rights explicitly prescribed by the Serbian Law on Protection of Personal Data ([Law on Personal Data Protection \("Official Gazette of RS" No.87/2018 - Commissioner for Information of Public Importance and Personal Data Protection\)](#) ("**Data Protection Law**") and it is applicable in this particular case due to the fact that (i) any materials representing or including child pornography, as well as CSAM imagery, are materials representing or including personal data of such victimized children, (ii) publication of any such materials is, thus, obviously a personal data processing activity, and (iii) publication of such unlawful materials is, also undoubtedly, an unlawful activity, not only from the perspective of the aforementioned Law on Protection of Personal Data, but from the perspective of other relevant regulations (such as the Serbian Criminal Code) as well. In other words, publication of any such materials is not contrary only to the rules and requirements of personal data protection and privacy, but it is also unlawful conduct punishable from the perspective of criminal law.



For the sake of accuracy, the aforementioned data subject right to deletion is explicitly prescribed by Article 30 of the Data Protection Law, as follows (we are providing citation of the relevant part of the respective Article, i.e. of its part to which we are referring above):

- (1) Data subject is entitled to deletion of his personal data by the data controller.*
- (2) Data controller is obliged to delete without unnecessary delay the data referred to in paragraph 1 of this Article in the following cases:*
 - (...)*
 - 4) personal data is processed unlawfully;*
 - (...).*
- (4) Data subject submits a request for realization of the right referred to in paragraph 1 of this Article to the data controller.*

b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?

As noted above (see for example the responses to questions under 2. above), providers of Online Platforms are legally obliged to remove any legally prohibited content from their platforms or disable access to any such content (including child pornography and CSAM imagery) if they become aware of presence of any such prohibited content. This obligation is not conditioned upon the manner in which they become aware of such content's presence, thus the respective obligation is equally applicable when their "source" of the respective "knowledge" is a victim (or any other individuals) making a provider of an Online Platform aware of a legally prohibited content such as the one involving child pornography or CSAM.

It is also worth mentioning the provision of Article 30 of the Data Protection Law, as the respective Clause is referred to within our answer to the question under item a. right above. Such provision of the respective Article is its Paragraph 3 and it goes as follows:

- (3) If a data controller published personal data, his obligation to delete the data in line with Paragraph 1 of this Article also includes undertaking of all reasonable measures, including technical measures as well, in compliance with available technologies and possibilities to bear costs of their appliance, with the objective of notifying other controllers who process such data that the data subject submitted a request for deletion of all copies of the respective data, and referring, i.e., electronic links to this data.*

c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?

Injunctions are available in the Republic of Serbia as a general legal remedy in relation to the publishing or removal of any unlawful content (thus, of child pornography/imagery as well) and can be requested, by or on behalf of a person whose rights are or are to be violated by the publishing of particular content. Such preliminary injunction request should be submitted to the competent Serbian court and the court can make a determination through an urgent procedure.

Additionally, there is also a specific legal remedy explicitly prescribed by the Serbian Law on Electronic Trade (originating from 2009 and subject to the latest amendments in 2019,



available only in Serbian, unofficial translation, via [Закон о електронској трговини: 41/2009-68, 95/2013-14, 52/2019-14](#)). As such, this legal remedy is applicable to providers of the Online Platforms, as per Article 21a of the respective law which is named “Measure of limitation in the provision of information society services” and goes as follows:

- (1) Upon request of the entity whose rights have been violated, the court can determine the measure of limitation of the provision of information society services, if the applicant makes the existence of a violation, i.e., of the occurrence of irreparable damage, likely.*
- (2) The court may, by means of the measure referred to in Paragraph 1. of this Article, order the removal of disputed content, the prohibition of actions that led to the violation of rights or another form of protection in proportion to the goal to be achieved by the measure.*
- (3) According to the order from the measure referred to in paragraph 1 of this Article, all service providers who transmit, store or provide access to the data to which the measure refers, are obliged to act.*
- (4) The rules on preliminary injunctions shall be applied to the procedure, jurisdiction and conditions for determining the measure referred to in Paragraph 1 of this Article, in line with the law governing execution and security.*

d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?

It is possible in the Serbian legal system to request the issuance of preliminary injunctions by the court in order to stop the posting or sharing of illegal content, including pornography, on any Online Platforms. Such measures can be requested before, during, or after court/administrative proceedings, as long as enforcement has not been performed, by providing the claim, type and duration of the measure, and supporting evidence.

e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child’s image or video, either in a civil or a criminal proceeding?

The legal system of the Republic of Serbia, including laws such as the Law of Contract and Torts and Criminal Procedure Code ([official text of the Criminal Procedure Code](#)), provides mechanisms that allow individuals who suffered any damage (pecuniary or non-pecuniary) to obtain such damages.

Article 200 Paragraph 1 of the Law of Contract and Torts:

- (1) For physical pains suffered, for mental anguish suffered due to reduction of life activities, for becoming disfigured, for offended reputation, honor, freedom or rights of personality, for death of a close person, as well as for fear suffered, the court shall, after finding that the circumstances of the case and particularly the intensity of pains and fear, and their duration, provide a corresponding ground thereof – award equitable damages, independently of redressing the pecuniary damage, even if the latter is not awarded.*

Article 252 Paragraph 1 of the Criminal Procedure Code:

- (1) A claim for restitution arising as a result of commission of a criminal offence or of a wrongful act designated by law as a criminal offence shall be considered on a motion*

by authorized persons in criminal proceedings if those proceedings would not be substantially prolonged thereby.

f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?

There are additional support mechanisms for victims of child sexual exploitation, including those who are victims online. Besides lawsuits for compensation, children and their legal representatives can exercise the right to various forms of support and protection provided by social welfare centers, non-governmental organizations, and government institutions.

a) Psychological and social support

Child victims have the right to free psychological help and counseling, which is often funded under the state budget or through support programs of non-governmental organizations.

b) Privacy and anonymity protection

The rights of the child as a victim are specially protected, and there are regulations ensuring that the child's identity is not disclosed publicly during the process.

c) Specialized child protection centers

There are centers for child protection that provide integrated support, including medical, legal, and psychological assistance, often funded or supported by the state.

d) Reintegration and education programs

Some programs help victims reintegrate into society and obtain the necessary services for recovery.

g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?

This matter, in terms of automatic notification of the respective type as such, is not explicitly envisaged by law.

6. "Safety by Design" is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.

a. Are Online Platforms legally required to incorporate "Safety by Design" into their systems?

There is no specific law that explicitly requires providers of Online Platforms to incorporate "Safety by Design" into their systems.

- i. If so, must these steps be taken before the launch of an Online Platform?**
- ii. If so, if an Online Platform has already been in public use, when must they have incorporated "Safety by Design" measures?**
- iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.**



- b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform's incorporation of "Safety by Design"?

Not applicable.