

2023 Trafficking in Persons Report: Serbia

SERBIA (Tier 2 Watch List)

The Government of Serbia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included identifying more victims and the Center for Protection of Trafficking Victims (CPTV) establishing a panel with a psychologist, educator, and social worker to conduct official victim assessments within 24 hours of a referral. A high court in Sabac seized a house built from the profits of forced begging and transferred the ownership of the house to the victim as a form of restitution. However, the government did not demonstrate overall increasing efforts compared with the previous reporting period, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity. The government investigated and prosecuted fewer defendants and convicted fewer traffickers. The government decreased resources to the CPTV despite their continued lack of staff, skills, and resources necessary to consistently assess victims, coordinate care placement, and operate the CPTV-run shelter. SOPs on victim identification remained unclear on roles and responsibilities, and implementation was “recommended” rather than required. The CPTV did not allow potential victims who did not receive official victim status to appeal the decision, which limited their access to support, and authorities inappropriately penalized victims with imprisonment, probation, and fines solely for unlawful acts committed as a direct result of being trafficked. The Anti-Trafficking Council has not met in three years, the government still has not adopted the 2021-2022 NAP, and the position of the National Coordinator remained vacant. Official complicity in trafficking crimes remained a significant concern, with authorities demonstrating tolerance of trafficking crimes and inaction in several cases. The government continued to not fully protect victims or fully investigate credible allegations that approximately 500 Vietnamese workers were subjected to forced labor at a People’s Republic of China (PRC)-owned factory. Therefore Serbia remained on Tier 2 Watch List for the second consecutive year.

PRIORITIZED RECOMMENDATIONS:

- Vigorously investigate and prosecute trafficking crimes and seek adequate penalties for convicted traffickers, including complicit officials, which should involve significant prison terms.
- Fully investigate allegations of forced labor in the PRC-owned tire manufacturing plant in Zrenjanin and provide assistance and protection to the workers.
- Allocate sufficient resources to enable the CPTV to officially identify victims, implement victim protection efforts, and operate the shelter for trafficking victims.
- Further increase efforts to proactively identify victims, including among migrants, individuals in commercial sex, refugees and asylum-seekers, and unaccompanied children engaged in begging on the streets.
- Allocate adequate funding to NGOs providing victim support services.
- Implement access to justice measures and victim-centered approaches such as protecting victim confidentiality, providing legal representation, and preventing re-traumatization and intimidation.
- Train investigators, prosecutors, and judges on victim-centered approaches and establish mechanisms to refer cases to trained prosecutors and judges.
- Cease the inappropriate penalization of victims solely for unlawful acts committed as a direct result of being trafficked.
- Update the NRM by formalizing cooperation with NGOs and delegating specific roles and responsibilities to government agencies.
- Establish transparent standards and procedures for NGOs to obtain licenses for providing support services.

- Improve training for government personnel on victim assistance and referral and ensure access to victim assistance for foreign victims.
- Provide labor inspectors the resources and training necessary to regulate recruitment agencies and investigate cases of fraudulent recruitment.
- Integrate Roma groups into policies and programs on regarding victim protection.
- Assemble coordinating bodies and adopt an anti-trafficking strategy and NAP.
- Standardize data collection and create a database to collect statistics for sentencing and victim protection measures.

PROSECUTION

The government maintained some law enforcement efforts. Article 388 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties ranging from two to 12 years' imprisonment for offenses involving an adult victim, and three to 12 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. Police, prosecutors, and courts maintained different methods for counting cases, resulting in inconsistent statistics across databases. Police filed criminal complaints against 21 suspects, a significant decrease compared with 63 suspects in 2021. The Public Prosecutor's Office (PPO) investigated 31 suspects, compared with 35 in 2021. The PPO prosecuted 20 defendants, compared with 26 in 2021. Courts convicted 14 traffickers, compared with 16 traffickers in 2021. Judges sentenced 15 traffickers to imprisonment between two and 11 years and sentenced one trafficker to one year of house arrest. Courts also acquitted five individuals, compared with 10 in 2021.

The Criminal Police Directorate maintained an Anti-Trafficking Unit with ten specialized officers in the Directorate to Combat Organized Crime. Separately, the Ministry of Interior (MOI) maintained a labor division to investigate forced labor and specialized units in Belgrade, Nis, and Novi Sad and appointed at least two officers to investigate trafficking in each of the 27 regional police administrations. The government continued to use a trafficking task force to coordinate efforts to investigate cases and maintained a separate human smuggling and trafficking task force that also investigated trafficking. The PPO maintained specialized prosecutors for trafficking cases who provided operational guidance and acted as single points of contact for investigators and care providers; however, the government did not have a system to consistently refer trafficking cases to these prosecutors or to judges trained on or experienced in trafficking issues. Prosecutors did not effectively distinguish between labor violations and forced labor and often charged or offered plea deals in sex trafficking cases for "mediating prostitution," including cases with child victims. The government, at times in cooperation with international organizations, provided trainings for police, task force members, and MOI representatives on various anti-trafficking issues. The government requested extraditions of suspected and convicted traffickers from authorities in Germany, Hungary, Slovenia, and Spain and extradited a suspect to North Macedonian authorities. The government submitted three mutual legal assistance requests and received five mutual legal assistance requests from various foreign authorities. The government signed bilateral agreements with North Macedonia and the UAE on trafficking.

The government prosecuted and convicted a police officer for child sex trafficking and sentenced the trafficker to five years' imprisonment. Observers alleged in at least one other case that police officers were affiliated with an organized criminal group involved in sex trafficking, but prosecutors did not take action despite credible allegations from witnesses. The government appointed one police officer with similar allegations to a high-level position in the Ministry of Infrastructure. In 2021, observers alleged a police officer provided protection to an organized criminal group and forced one woman into sex trafficking and unlawful acts, but the PPO and the police officer's superiors did not take action against the officer after other officers intimidated and pressured the victim not to participate in the investigation. Authorities dismissed or transferred police and prosecutors willing to further investigate the case.

The government continued to not fully investigate allegations that 500 Vietnamese workers endured forced labor, including inhumane working and living conditions, and passport confiscation at a construction site of a PRC-owned factory in Serbia. In 2021, the European Parliament adopted a joint resolution calling for an investigation into forced labor at the factory, and the UN and civil society organizations similarly urged the government to take immediate action. Observers alleged police officers intimidated whistleblowers trying to collect additional information on the living and working conditions of the Vietnamese workers, and other credible sources alleged the government prioritized PRC investments and, as a result, dismissed the allegations, which delayed government responses. While the National Rapporteur on Trafficking visited the factory and called for an investigation, the government was slow to respond to the allegations of forced labor and did not fully adhere to its own protocols. The investigation of the allegations remained “ongoing,” yet the government maintained the Vietnamese workers were not trafficking victims. In 2022, the PRC-owned factory replaced the majority of the original 500 Vietnamese workers with new foreign workers and published plans to increase the size of the factory and number of workers. In addition, the PRC workers at the factory went on strike in July 2022 because the PRC-owned factory failed to pay their wages.

PROTECTION

The government maintained victim protection efforts. The government utilized SOPs for the identification of victims and an NRM for the referral of victims to support services, including through standardized indicators and guidelines to identify victims in irregular migration flows and high-risk sectors. However, the SOPs did not provide clear roles and responsibilities for relevant institutions, lacked screening procedures for victims among high-risk populations, and implementation remained “recommended” rather than required. Some officials continued to justify cases of potential forced child begging and forced labor involving Roma as traditional cultural practices and customs.

The CPTV assessed and officially identified adult victims and developed a protection and assistance plan for each victim, while the Centers for Social Work (CSW) assessed and officially recognized child victims. First responders referred 138 potential victims to the CPTV, compared with 127 in 2021; law enforcement referred 40 potential victims, social welfare organizations referred 28, NGOs and international organizations referred 33, institutions in the education system referred ten, and private citizens and other institutions referred 27 potential victims. The CPTV officially identified 56 victims from the 138 potential victims, an increase compared with 43 victims from the 127 potential victims in 2021. Of these, 34 were sex trafficking victims; 14 labor trafficking victims, including eight forced begging victims and two forced criminality victims; and eight were victims of multiple forms of trafficking; this included 21 women, eight men, 17 girls, and five boys and 18 were foreign national victims. GRETA and other experts reported the CPTV lacked the staff to review cases in a timely manner and resources to travel to the location of potential victims to interview them in person. The CPTV established a panel with a psychologist, a pedagogist trained to work with victims, and a social worker to conduct official victim assessments within 24 hours of a referral. However, the CPTV lacked transparency and consistency regarding the official victim assessment, according to experts that reported the CPTV did not allow potential victims who did not receive official victim status to appeal the decision, which limited their access to support to mostly NGO-provided services. In 2021, the CPTV did not provide information on or notify all relevant stakeholders of whether it interviewed the Vietnamese workers in the PRC-owned factory or conducted an official victim assessment in this case. In addition, the National Rapporteur responded to an NGO complaint and concluded the CPTV and the CSW failed to identify and provide assistance to a child victim.

The government allocated 30.7 million dinars (\$284,730) to the CPTV for victim assistance, a decrease compared with 35.2 million dinars (\$326,470) in 2021. The government did not provide funding to NGOs despite relying heavily, and at times solely, on their victim support and reintegration services. The government and NGOs provided psycho-social, legal, educational, medical, financial, and reintegration support; all victims in 2022 and 2021 received some form of

government assistance. The government reported providing equal protection to foreign national and Serbian citizen victims, but foreign victims faced obstacles in accessing support, according to experts who noted linguistic barriers as well as some local communities limiting shelter accommodations to only Serbian nationals. Although the government required victims to be referred only to licensed service providers, licenses were difficult to obtain because of a lack of official standards and criteria to approve licenses. The CPTV opened a shelter for trafficking victims in February 2019 with a capacity to accommodate six victims; this shelter, which had been closed since September 2020 because of its inability to obtain a license, reopened in February 2022. The CPTV reported difficulties in fulfilling their responsibilities to provide direct assistance at the shelter because of a continued lack of capacity, resources, and staff, including technical staff to provide support to victims. Civil society reported the CPTV relied on scant government resources to support the shelter with food, toiletries, and access to vehicles, but the CPTV reported establishing agreements with companies to secure food, hygiene products, and other donations for victims. The CPTV-run shelter only provided urgent care and assistance, and NGO-run shelters accommodated most victims requiring longer term support. The CPTV-run shelter accommodated eight victims and two of their children during the reporting period. The CSW operated shelters for domestic violence victims that also accommodated female trafficking victims. The government did not provide any specialized support for child victims but maintained a drop-in shelter for children experiencing homelessness. The CSW also returned child victims to their families, referred them to foster care, or placed them in orphanages or group homes. The CPTV reported staff at orphanages and foster families were not trained on working with child victims. The government accommodated 18 child victims in general shelters (three in 2021) and placed six in foster families (seven in 2021). The government did not provide any specialized support for male victims. An NGO rented accommodations for male victims as needed, but male victims generally had less access to support services. The CPTV maintained a protocol with the National Employment Service (NES) to assist victims in finding employment and referred three victims for training to the NES (nine in 2021). The government provided foreign victims temporary residence permits, which were renewable for up to one year, and allowed potential foreign victims to stay for three months; no victims required a temporary residence permit in 2022 or 2021. The government, in cooperation with an international organization, repatriated three victims (none in 2021).

Authorities penalized victims of sex trafficking, forced begging, and forced criminality with imprisonment, probation, and fines. For example, prosecutors charged trafficking victims with “engaging in prostitution” and used it as evidence to prosecute the trafficker under “mediation of prostitution.” Victims’ ability to access support services and assistance was not contingent on cooperating with law enforcement investigations, but, once a case was reported to police, authorities did not always require victims to cooperate with investigations and testify during trials, although among the police there was a prevailing expectation that they would. The government did not report the number of victims that cooperated with prosecutions in 2022 or 2021 (68 victims in 2020). The law designated officially recognized victims as a “particularly vulnerable group” eligible for the status of an “especially vulnerable witness” and/or “protective witness” with special assistance and procedural considerations, such as testifying without the defendant present or via video and access to witness protection. The CPTV advocated all trafficking victims receive the “especially vulnerable witness” status, but courts did not consistently issue the status to trafficking victims. In addition, observers reported most courts did not have the technical capacity to offer testimony via video, and victims often appeared in front of the alleged trafficker during trial, causing re-traumatization. The government granted the “especially vulnerable witness” status to 21 victims (33 in 2021) but did not grant “protective witness status” to any victims in 2022 or 2021. Observers reported judges often issued light sentences for traffickers, and some judges displayed victim-blaming biases against vulnerable populations, particularly the Romani community. In previous years, observers reported an absence of victim confidentiality measures; one example included the MOI publishing information on a trafficker who was the victim’s father, as a result, media organizations easily identified the victim. The CPTV provided free legal aid to victims but often relied on civil society organizations because of a lack of resources. Judges rarely issued restitution in criminal cases and encouraged victims to seek compensation by filing civil suits; however, a high court in Sabac seized a house built from the profits of forced begging and transferred the ownership of the house to the victim as a form of restitution. In 2021, judges granted restitution to one victim for 1,117,000 dinars (\$10,360) but it has not yet been paid out.

Civil suits were lengthy, expensive, required the victim to face the trafficker multiple times, and the awarded compensation was difficult and complicated to collect. Experts reported restitution in only four cases had been paid to victims to date and only one successful compensation case in civil suits had been paid out of a total of 587 from 2003 to 2023.

PREVENTION

The government decreased prevention efforts. The government maintained the Anti-Trafficking Council composed of relevant government ministries, but it has not convened in the past three years. The government maintained an anti-trafficking strategy for 2017-2022 but did not adopt the NAP for 2021-2022. The government maintained four Special Working Groups: one to draft the NAP, one to monitor and implement the NAP, one to strengthen proactive investigations, and one to improve prosecutions and legal protections; none met in 2022. The Office of the National Coordinator led overall anti-trafficking efforts; however, the position of the National Coordinator has been vacant since July 2022. Observers reported an absence of meetings among coordinating bodies and difficulties exchanging information among relevant organizations with no National Coordinator in place. In 2021, the government adopted an amendment to officially designate the ombudsman as the national rapporteur on trafficking to independently monitor and assess anti-trafficking efforts; the national rapporteur did not publish any reports or share information on government efforts. Nineteen municipal governments maintained multidisciplinary anti-trafficking teams to implement local efforts. The CPTV shared monthly statistical reports on its website, organized two meetings to present information, and organized awareness campaigns targeting healthcare and social workers, the public, students, Ukrainian refugees fleeing Russia's war against Ukraine, and youth. The CPTV maintained a 24-hour hotline for trafficking victims, and the government operated two other hotlines that received calls for trafficking, domestic violence, and other crimes; the CPTV hotline received 41 trafficking-related calls. The government licensed and regulated private employment agencies; however, the government did not prohibit recruitment fees, and observers reported tourist agencies also performed labor recruitment and were largely unregulated. In addition, civil society reported recruitment agencies reformed under different names after authorities revoked their licenses and reported instances of the translations of contracts into English and/or Serbian being substantively different from the original contract in the origin country's language. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in Serbia and victims from Serbia abroad. Traffickers exploit Serbian women and girls in sex trafficking in Serbia, in neighboring countries, and throughout Europe. Traffickers exploit Serbian nationals, primarily men, in forced labor in labor-intensive sectors, such as the construction industry, in European countries (including Austria, Belgium, Croatia, France, Germany, Italy, Luxembourg, Montenegro, Russia, and Switzerland) and the UAE. Traffickers exploit Serbian children, particularly Roma, within the country in sex trafficking, forced labor, forced begging, and petty crime. In 2022, foreign victims identified in Serbia were from Afghanistan, Albania, Bosnia and Herzegovina, Croatia, Cameroon, the Democratic Republic of the Congo, Iran, Pakistan, the Philippines, Tunisia, Türkiye, Uganda, and Vietnam. In previous years, foreign victims identified in Serbia were also from Denmark, Germany, Mali, Nigeria, and North Macedonia. Traffickers primarily recruit via online means, such as social media platforms. Thousands of migrants and refugees from the Middle East, Africa, and Asia transiting through or left stranded in Serbia are vulnerable to trafficking in Serbia.

In 2021, credible allegations indicate Vietnamese workers faced forced labor at a construction site for a PRC-owned tire manufacturing plant in Zrenjanin. Recruitment agencies in Vietnam organized transportation, visas, and accommodations but charged the Vietnamese workers an exorbitant recruitment fee, between \$2,000 and \$4,000, for their services. Approximately 500

Vietnamese workers came to Serbia with expectations to work in a factory producing aircraft parts for €775 (\$840) per month. Local NGOs and media outlets reported indicators of forced labor starting in November 2021, including passport confiscation, restriction of movement and communication, threats and intimidation, denial of repatriation requests, withholding salary, forced overtime, inadequate housing, and insufficient food. The government did not report fully investigating these credible allegations of forced labor and, instead, continued to state the Vietnamese workers were not trafficking victims. In 2022, the PRC-owned factory replaced the majority of the original 500 Vietnamese workers with new foreign workers and published plans to increase the size of the factory and number of workers. The PRC workers at the factory went on strike in July 2022 because the PRC-owned factory failed to pay their wages.