



2016 Trafficking in Persons Report - Serbia

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SERBIA: Tier 2 Watch List

Serbia is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor, including domestic servitude and forced begging. Serbian women are subjected to sex trafficking by Serbian criminal groups in neighboring countries and throughout Europe, particularly Austria and Germany. Serbian nationals, primarily men, are subjected to forced labor in labor-intensive sectors, such as the construction industry, in European countries (including Azerbaijan, Slovenia, and Russia) and United Arab Emirates. Serbian children, particularly ethnic Roma, are subjected within the country to sex trafficking, forced labor, forced begging, and petty crime. Migrants and refugees from Afghanistan, Iraq, and Syria and from neighboring countries are vulnerable to being subjected to trafficking within Serbia. Alleged traffickers reportedly influenced some trafficking cases through bribery of the victim or judge.

The Government of Serbia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Serbia is placed on Tier 2 Watch List. While the government created a new office within the national police to coordinate and organize its anti-trafficking efforts, it did not provide the staff or resources for this new entity and current coordination structures were under-resourced, operating parttime, and/or not functional. Victim identification significantly decreased; observers stated this was due in part to anti-trafficking efforts becoming a lower priority overall as the government managed the increase in irregular migration through the country in 2015, a continued lack of collaboration between the government and NGOs on identification, and a reduction in referrals from the border police that were simultaneously charged with addressing smuggling and the influx of migrants and refugees. Care for victims of trafficking also suffered from a lack of government coordination with NGO service providers, and government social welfare centers were deficient in specialized programs, sensitivity, and trained staff necessary for working with trafficking victims. Investigations, prosecutions, and convictions decreased, and the government did not afford victims sufficient protection in criminal proceedings, which exposed them to intimidation and secondary traumatization.

RECOMMENDATIONS FOR SERBIA:

Create and disseminate to first responders standard operating procedures for proactive victim identification and referral to protection services; increase efforts to identify victims, including

among migrants, refugees, asylum-seekers, and unaccompanied children engaged in street begging; increase investigations and prosecutions of trafficking crimes and obtain convictions of traffickers with dissuasive sentences; train investigators, prosecutors, and judges on victim-centered approaches to trafficking cases; provide victims testifying in court with a full range of protections to diminish intimidation and retraumatization; enshrine in law non-penalization of victims for acts committed as a direct result of their being subjected to human trafficking; improve cooperation with NGOs to ensure victims have access to and receive all necessary reintegration services; improve training for government personnel on victim assistance and referral; allocate adequate staff and resources for new Office for Coordination against Trafficking in Persons and existing coordination structures to ensure effectiveness; adopt the national anti-trafficking strategy and action plan and involve NGOs in implementation; and elevate the national coordinator for combating trafficking in persons to a full-time position with independent authority.

PROSECUTION

The government demonstrated decreased law enforcement efforts to counter trafficking. Article 388 of the Serbian criminal code prohibits all forms of trafficking, prescribing penalties ranging from three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government investigated 10 cases of commercial sexual exploitation and one case of forced labor in 2015, a decrease from 20 cases of commercial sexual exploitation and 35 cases of forced labor in 2014. In 2015, the government initiated prosecutions of 18 defendants under article 388, a decrease from 25 defendants in 2014. Courts convicted 20 traffickers in 2015, a decrease from 26 convicted in 2014. Sentences ranged between 1.5 and 5.5 years' imprisonment. The government did not disaggregate data on convictions for sex and labor trafficking crimes. Observers reported the government did not adequately implement anti-trafficking laws, and prosecutors often chose to prosecute trafficking crimes under other statutes with lesser penalties that were easier to prosecute. Each police directorate in Serbia had an anti-trafficking unit in addition to the specialized anti-trafficking units within the organized crime police and border police forces; however, during the reporting period these units largely focused on countering smuggling and responding to the influx of migrants and refugees. Seventeen directorates also had multidisciplinary anti-trafficking teams that included prosecutors, social workers, and health officials; according to NGOs only four of these teams were active during 2015. The government provided training to consular officials and, in coordination with NGOs and international organizations, to police and border officials on recognizing and investigating trafficking cases. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

PROTECTION

The government demonstrated decreased efforts in the identification of victims and maintained inadequate protection services. Authorities identified 36 trafficking victims in 2015, a significant decrease from 119 victims identified in 2014 and 76 identified in 2013. The majority of victims were minors exploited in Serbia. Twenty-one victims were subjected to sex trafficking, three to forced labor, 10 to forced begging, and two to forced criminality. A government center for protection of trafficking victims remained responsible for victim identification and assistance. During the reporting period, the center and an international organization trained 445 first responders, including police, social welfare center staff, and educators, on indicators for identifying human trafficking victims; however, observers maintained there were no written victim

identification procedures. Officials who interviewed migrants and refugees upon arrival in Serbia did not provide screening to determine if the person was a potential trafficking victim. In 2015, police, NGOs, and social service personnel referred 106 suspected trafficking victims to the government's center, compared with 351 referrals in 2014; referrals from the police and border police decreased from 289 in 2014 to 38 in 2015. In a previous reporting period, the center stated referral guidelines needed updating.

In 2015, the government budgeted 19,718,146 Serbian dinars (\$177,000) for the operation of the center. The center has two units, the protection agency and the urgent reception center; however, the urgent reception center, designed to provide safe shelter and services, was not functional for the third consecutive year. Government social welfare centers provided social services, but they often lacked the specialized programs, sensitivity, and trained staff necessary for working with trafficking victims, including the center's protection unit, which did not have specific procedures on how to care for child trafficking victims. The government provided free medical assistance to victims at public clinics. The government did not have procedures outlining cooperation between the center and NGOs on victim services and it did not report how many victims it referred to NGOs for care. Observers asserted victims should have been referred to NGOs in much larger numbers, as social welfare centers lacked specialized programs and trained staff to work with trafficking victims. An NGO operated the only shelter exclusively for female and child trafficking victims and NGOs provided medical, legal, psychological, educational, and other reintegration assistance to victims. NGOs relied on foreign sources of funding to assist victims. Male victims did not have access to a dedicated trafficking shelter but an NGO rented accommodation as needed and male victims could access all other rehabilitation services offered to female victims. Specialized shelters for child trafficking victims did not exist; child victims were returned to their families, sent to foster care, or accommodated in one of two centers for orphans. Government social welfare centers lacked the ability to remove children from their families, even if there was evidence the family had exploited the child.

Victims were required to cooperate with law enforcement investigations and testify during prosecution; NGOs reported some victims were threatened with prosecution for noncooperation. Experts reported victims' rights were not adequately protected during lengthy court proceedings and victims had to frequently appear in front of their traffickers; traffickers often threatened or intimidated victims. The government center developed recommendations for prosecutors to use in working with victims; it is unclear how widely the recommendations were disseminated and utilized during the reporting period. Judges demonstrated limited understanding of the complexities of human trafficking cases. Serbian law entitles victims to file criminal and civil suits against their traffickers for compensation, but judges encouraged victims to seek compensation solely by filing civil suits, which were lengthy, expensive, and required the victim to face the abuser numerous times. To date, only one victim of trafficking has been compensated. Foreign victims were eligible for temporary residence permits renewable up to one year. Serbian law does not have a non-punishment or non-prosecution clause for trafficking victims who committed crimes as a result of being subjected to human trafficking; however during the year, in partnership with OSCE, a working group comprised of judges, prosecutors, police officers, and representatives from the center and civil society developed a manual for prosecutors and judges on non-punishment of trafficking victims. A sex trafficking victim forced to sign a murder confession by her trafficker began serving her 18-year prison sentence in 2014; during the reporting period, the constitutional court rejected her appeal and an NGO submitted a petition requesting amnesty to the president.

PREVENTION

The government maintained limited prevention efforts. The government has not adopted the anti-trafficking strategy and action plan for 2014-2020 despite holding the final public debate on the strategy and plan in 2013. During the reporting period, the government created the Office for Coordination against Trafficking in Persons, under the national police, but had yet to provide it with staff, resources, or a mandate. The national coordinator for combating trafficking in persons continued to lead anti-trafficking efforts despite lacking sufficient resources and support from the government – the coordinator is also the head of migration for the border police and did not have independent authority. The government created an anti-trafficking council in 2005 as a consultative body, which observers noted exists only on paper and did not meet in 2015. The government operated a hotline to collect human trafficking-related tips, published anti-trafficking efforts on its website, and provided information on trafficking via social media. Police enforced laws against purchasing commercial sex and fined clients identified during raids on commercial sex establishments. The government licensed and regulated private employment agencies; however, in practice tourist agencies also performed labor recruitment and were largely unregulated. The government did not investigate fraudulent or exploitative job offers brought to its attention by NGOs. The government did not make efforts to reduce demand for forced labor. Serbian troops participated in anti-trafficking training prior to their deployment on international peacekeeping missions. The government provided anti-trafficking training for its diplomatic personnel.