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Trafficking in Persons Report 2010 - Serbia

SERBIA (Tier 2)

Serbia is a source, transit, and destination country for men, women, and girls subjected to trafficking in persons, specifically forced prostitution and forced labor. Foreign victims found in Serbia originate primarily from Eastern Europe and Central Asia, although there were two victims identified from the Dominican Republic during the year. Children, mostly Roma, continued to be exploited in the commercial sex trade, subjected to involuntary servitude while in forced marriage, or forced to engage in street begging. Serbian nationals continued to comprise the majority of identified victims in 2009.

The Government of Serbia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Serbian government achieved important progress in its anti-trafficking efforts in 2009, as it developed and implemented formal procedures to proactively identify trafficking victims, earmarked emergency funding for two NGO shelters, introduced tougher penalties for traffickers, and increased efforts to prevent trafficking. Imposed punishments for convicted traffickers and complicit officials, however, remained consistently low. Insufficient funding for NGOs and government agencies responsible for victim services continued to hamper the government's ability to provide rehabilitation and reintegration services to victims.

Recommendations for Serbia: Institute reforms to ensure that convicted traffickers receive adequate sentences reflective of the heinous nature of the offense; vigorously prosecute, convict, and punish all forms of trafficking including complicit officials who facilitate trafficking; increase and sustain funding for NGOs providing victims with comprehensive assistance and rehabilitation; increase personnel and resources allocated to the government's victim protection agency; increase training for social workers, police, and other front-line responders to continue to improve identification and referral of trafficking victims; and improve the delivery of specialized services and shelter for children and adult male victims of trafficking.

Prosecution

The Government of Serbia made substantial progress by improving its anti-trafficking laws and imposing more stringent sentences on some trafficking offenders during the reporting period. The criminal code for Serbia prohibits both sex trafficking and labor trafficking through its article 388; this criminal code does not specifically distinguish between commercial sexual exploitation and forced labor. A separate article of the criminal code prescribes penalties for "slavery or a relationship similar to slavery" with penalties of one to 10 years. In August 2009, the government adopted amendments to its criminal code which increase prescribed punishments for trafficking offenders to three

to 12 years' imprisonment, up from the previous two to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. Amendments to the criminal code also increased the minimum prescribed penalties for trafficking children from three to five years and eliminated the previous discretion that allowed judges to hand down sentences less than the prescribed minimum. In 2009, the government reported at least 51 investigations of trafficking offenses, as well as the prosecution of 42 and conviction of 40 trafficking offenders, with the majority receiving sentences ranging from two to four years' imprisonment. The Serbian government confirmed that at least two of the convicted traffickers were in jail pending appeal, as by law individuals convicted for trafficking are only detained during the appeals process if their sentence was greater than five years. Some trafficking suspects and offenders accused or convicted of violent crimes continued to be freed during the pre-trial and post-conviction appeal process, posing a serious risk to their victims. One of Serbia's most infamous traffickers, sentenced to four years and three months by the Supreme Court in 2006 and a fugitive since then, was re-arrested to serve his sentence on March 11, 2010. In a welcome development, in August 2009, the Supreme Court of Serbia confirmed on appeal the highest-ever sentence for trafficking of 10 years' imprisonment. This trafficker is currently serving his sentence. The defendant was the main trafficker in the "Jet Set" case also involving the complicity of the Deputy District Prosecutor in Novi Pazar and two police officers. In August 2009, the Supreme Court confirmed on appeal a lower court judgment finding the Deputy District Prosecutor and the officers guilty of public abuse of office and of trafficking in persons, confirming their suspended sentences and three years' probation. The prosecutor had sexually exploited some of the victims. The government's refusal to cooperate directly with the Republic of Kosovo government hampers Serbia's efforts to investigate and prosecute some transnational trafficking.

Protection

The Government of Serbia made some progress protecting victims of trafficking and significantly improved its capacity to identify trafficking victims in 2009. In April, it issued an order for all police personnel to aid in the proactive identification of trafficking victims, remedying a long-standing deficiency in its victim protection scheme. In 2009, police referred to service providers 112 out of 127 total trafficking victims identified by the government's Agency for Coordination of Protection of Trafficking Victims. Of the identified victims, 30 adult victims were accommodated in two shelters. According to the government, 17 out of the 26 trafficked children identified as trafficked in 2009 were accommodated in orphanages or were detained in a youth rehabilitation center. The remainder were placed in domestic violence shelters, a trafficking shelter, or placed with foster families. The government's ability to protect child victims of trafficking was limited by the lack of specialized shelters for children. Children placed in orphanages or youth detention centers were highly vulnerable to re-trafficking and re-victimization. One NGO reported instances of traffickers continuing to exploit some young girls placed in orphanages in 2009. The government did not run special shelters or services for trafficked men.

NGOs report that authorities sometimes fail to recognize a victim of trafficking. However, identified victims generally were not detained, jailed, or otherwise penalized for unlawful acts committed as a direct result of their being trafficked. While stakeholders reported improvements in victim referrals in 2009, the repatriation through Serbia of victims in a large forced labor case involving mostly Bosnian Serb men exploited for labor in Azerbaijan demonstrated shortcomings and a lack of coordination in the referral system. An NGO reported that the Serbian government failed to provide assistance to these forced labor victims or to refer them to service providers. Serbian police conducted interviews with 12 potential victims from the case and the investigation was ongoing.

On December 16, the government stepped in to remedy a funding shortfall for two NGO-run shelters in danger of closing by allocating \$45,000 to keep them in operation. Despite this emergency effort, overall funding for NGOs and the government's protection agency continued to be deficient. The government's protection agency remained understaffed. NGOs continued to rely heavily on international donor funds and a small

fund generated from the government's sale of a 2008 special anti-trafficking postage stamp to provide critical services to victims in Serbia. In October 2009, the government requested a formal inquiry into a case of a trafficking victim and her daughter who were allegedly threatened by the victim's trafficker in a Serbian courtroom and subsequently charged by the court with perjury and defamation.

Prevention

The Government of Serbia demonstrated modest progress in its efforts to prevent trafficking in 2009. The Ministry of Interior maintained an anti-trafficking website and Facebook page and published its anti-trafficking hotline via a poster campaign. It proclaimed October as Anti- Trafficking Awareness Month and held an exhibition of children's drawings with an anti-trafficking awareness theme, publishing a calendar with some of the drawings. During the year, the national coordinator disseminated information on a regional victim referral mechanism developed and funded by international organizations.
