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2020 Trafficking in Persons Report: Serbia

SERBIA: Tier 2

The Government of Serbia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Serbia remained on Tier 2. These efforts included increasing prosecutions and operationalizing the urgent reception center (URC) after a delay of five years. The government adopted standard operating procedures (SOPs) for the identification, referral, and support of trafficking victims and adopted the 2019-2020 national action plan, and allocated resources towards the plan. However, the government did not meet the minimum standards in several key areas. Proactive identification efforts remained inadequate and, as a result, the government identified the fewest number of victims since 2015. Authorities failed to discipline complicit officials, and the Center for Protection of Trafficking Victims (CPTV) lacked resources and staff necessary to assess victims, coordinate care placement, and provide direct assistance at the URC. The government continued to penalize victims, and authorities did not protect victims' rights during court proceedings. While cooperation with civil society improved, the government did not formalize roles and responsibilities or fund civil society despite relying heavily on its support.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to proactively identify victims, including among migrants, individuals in commercial sex, refugees and asylum-seekers, and unaccompanied children engaged in street begging. • Allocate sufficient resources to enable the CPTV to implement victim protection efforts. • Update the national referral mechanism to provide victims all necessary support services by formalizing cooperation with and reimbursement to NGOs and delegating specific roles and responsibilities to government agencies. • Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and sentence them with adequate penalties. • Update the national referral mechanism with specific identification and referral procedures for children. • Implement victim-centered approaches and victim-witness protection measures for victims testifying in court to diminish intimidation and re-traumatization. • Train investigators, prosecutors, and judges on victim-centered approaches, and establish mechanisms to refer cases to trained prosecutors and judges. • Fully implement written guidance to prevent penalization of trafficking victims for unlawful acts traffickers compelled them to commit. • 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 and market inspectors the resources and training necessary to regulate recruitment agencies, and investigate cases of fraudulent recruitment. • Integrate Roma groups into decision-making processes regarding victim protection.

PROSECUTION

The government maintained 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. Law enforcement investigated 23 new cases (22 in 2018) involving 47 suspects. Of these cases, 18 were sex trafficking and five were forced labor. Law enforcement continued 15 sex trafficking and four forced labor investigations from previous years. The government prosecuted 47 defendants (20 in 2018). Of these, 33 were for sex trafficking and 14 for forced labor. The government continued prosecutions of 49 defendants from previous years. Courts convicted 15 individuals for sex trafficking and none for forced labor (19 traffickers in 2018). Fourteen traffickers received imprisonment and one received a fine, but the government did not collect or report information on the length of sentences. Appeals courts upheld

two convictions and acquitted four individuals. Observers reported judges often issued light sentences for traffickers, and some judges displayed victim-blaming mentalities and biases against vulnerable populations.

The Criminal Police Directorate (CPD) maintained an anti-trafficking unit within the Directorate to Combat Organized Crime. The government finished consolidating the jurisdiction to investigate trafficking under the CPD; in previous years, the border police and Foreigners Office shared this responsibility, which hindered investigations because of unclear jurisdiction and the implication that trafficking required a transnational element. The Ministry of Interior (MOI) created a new labor division to investigate forced labor, and the government maintained specialized units in Belgrade, Nis, and Novi Sad and appointed at least two officers to investigate trafficking in the 27 regional police administrations. The government continued a trafficking task force that coordinated efforts to proactively investigate trafficking and maintained a separate migrant smuggling and human trafficking task force that also investigated trafficking. Experts reported hiring freezes at local levels required specialized officers to investigate unrelated crimes, and specialized units required additional capacity and equipment, including computers, vehicles, and technical investigative tools.

The Public Prosecutor's Office maintained specialized prosecutors for trafficking cases, who acted as single points of contact for investigators and care providers and provided operational guidance; however, the government did not have a system to consistently refer trafficking cases to these prosecutors or to judges trained and experienced on trafficking issues. Prosecutors faced difficulties in distinguishing between labor rights violations and forced labor and often qualified or pleaded down sex trafficking cases to mediating prostitution, including cases with child victims. The government, at times in cooperation with international organizations, trained police, asylum officers, and labor inspectors on various anti-trafficking issues. In December 2019, the government signed a cooperation agreement on trafficking with North Macedonia and made two requests for international legal assistance. Authorities investigated two alleged complicit MOI officials involved in child sex trafficking, who returned to work after three months due to a lack of evidence. The government did not take additional action against the same MOI officials after they were implicated in a separate case of knowingly engaging in commercial sex with a sex trafficking victim. In 2018, law enforcement charged a police officer involved in sex trafficking; the case is currently in the trial phase.

PROTECTION

The government maintained efforts in victim protection. The government identified 36 victims (76 in 2018). Of these, 23 were victims of sex trafficking, three of forced labor, four of forced begging, one of forced criminality, and five of multiple types of exploitation (34 were victims of sex trafficking, 18 of forced labor, two for forced begging, one for forced criminality, and 21 for multiple types of exploitation in 2018). Twenty-four victims were children (32 in 2018); 29 were female and seven were male (57 females and 19 male in 2018); and two were foreign victims (five in 2018). First responders referred 135 potential victims (193 in 2018) to the CPTV; law enforcement referred 55 potential victims (89 in 2018), social welfare organizations referred 40 (45 in 2018), other government entities referred 12 (21 in 2018), civil society referred 24 (38 in 2018); and four victims self-identified. The government adopted new SOPs for the identification, referral, and support of trafficking victims that included standardized indicators and guidelines to identify victims in migrant flows, schools, and high-risk sectors. However, SOPs did not provide clear roles and responsibilities for civil society, and implementation remained weak with a lack of proactive identification efforts, including screening of migrant flows and individuals in commercial sex. Some first responders, particularly local centers for social work (LCSW), justified cases of potential forced child begging and forced labor involving Roma as traditional cultural practices and customs. CPTV assessed and officially recognized victims referred by first responders and developed a protection and assistance plan for each victim. CPTV had two units, the protection agency and the URC. GRETA and other experts reported CPTV lacked the staff to review cases in a timely manner and resources to travel to the location of potential victims and interview them in person. Experts continued to report the lack of transparency regarding the official victim assessment and CPTV's inability to assess potential victims consistently. For example, CPTV did not provide official victim status to some potential victims, who were later determined by civil society to be trafficking victims, a trend that re-victimized some victims. Observers reported CPTV lacked specific procedures for child trafficking victims. For example, questionnaires used in the identification process were not adapted for children, and children often did not understand the questions.

The government allocated three million dinars (\$28,590) to CPTV but could not provide information on funds allocated to all victim protection efforts in 2019 and 2018. The government did not provide funding to NGOs despite relying on their victim support and reintegration services. Although the government required victims be referred only to licensed service providers, only two types of services had official licensing criteria and standards established; of the two major NGOs that work on trafficking issues, one was licensed to provide comprehensive residential and life skills support, and the other was licensed to administer an SOS hotline. The government and NGOs provided psycho-social, legal, educational, medical, financial, and reintegration support; 121 potential victims

and 184 official victims received some form of government assistance in 2019. The government reported providing equal protection to foreign and domestic victims, but according to experts, foreign victims faced obstacles in accessing support, and some local communities limited shelter accommodation to Serbian nationals. The government opened the URC in February 2019, designed to provide safe shelter and services with the capacity to accommodate six victims; the URC accommodated nine victims in 2019. CPTV reported difficulties in fulfilling its expanded responsibilities from a coordinating body to one that also provides direct assistance at the URC. The organization cited challenges such as a continued lack of capacity and staff, including technical staff and skills to provide support to victims, and a lack of resources to afford basic office equipment, food, hygiene products, and shelter renovations. Civil society reported improved cooperation with CPTV but noted CPTV relied on its scarce resources to support the URC with food, toiletries, and access to vehicles.

LCSW operated shelters for domestic violence victims that also accommodated female trafficking victims. GRETA visited a LCSW-run shelter in Sremska Mitrovica in January 2018 and reported “good living conditions,” but these shelters generally lacked the specialized programs and trained staff necessary for working with trafficking victims. CPTV continued to report many relevant ministries did not consider victim protection to be part of their responsibility. The government maintained a drop-in shelter for street children and when authorities identified child victims, they returned them to their families, referred them to foster care, or placed them in one of the two centers for children without parental care; 31 potential child victims were accommodated in general shelters, 11 were accommodated in shelters for asylum-seekers and migrants, and 25 were placed in foster families. The government did not provide specialized accommodation for male victims. An NGO rented accommodation for male victims as needed, and male victims could access all other rehabilitation services offered to female victims. CPTV maintained a protocol with the National Employment Service (NES) to assist victims in finding employment; CPTV referred two victims to NES for assistance (37 in 2018), but neither secured employment. The government provided foreign victims temporary residence permits renewable up to one year and allowed potential foreign victims to stay for three months; authorities did not grant any new residence permits in 2019 (one in 2018) but did renew two residence permits. Furthermore, two victims received asylum. The government repatriated two victims back to Serbia and assisted a victim to repatriate to Albania.

The government penalized victims for unlawful acts traffickers compelled them to commit, particularly victims of forced criminality and sex trafficking; authorities penalized four identified victims in 2019. CPTV and civil society organizations attempted to intervene in known prosecutions of trafficking victims but were not always successful. 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 required victims, including children, to cooperate with investigations and testify during prosecution; 103 victims assisted in court proceedings in 2019 and 2018. Observers reported Serbian authorities threatened some victims with prosecution for non-cooperation. Judges did not always grant witness protection to trafficking victims or adequately protect victims’ rights during lengthy court proceedings. Although the government passed a law designating officially recognized victims as a “particularly vulnerable group” eligible for special assistance and procedural consideration, judges did not consistently assign the status of “especially vulnerable witness” or “protective witness status” to trafficking victims, including children; these statuses allowed witnesses to testify without the defendant present, provide testimony via video link, and gain access to witness protection. Victims frequently appeared in front of their traffickers and did not receive notification when authorities released their traffickers from custody. Police escorted victims to and from court, and CPTV continued to consistently appoint lawyers to represent victims, but the length of trials and assistance provided to victims depended on the individual prosecutor or judge. Police did not consistently conduct “safety assessments” of official victims and often sent victims home to potentially exploitative family members. The law entitled victims to file criminal and civil suits against their traffickers for restitution, but judges continued to encourage victims to seek restitution solely by filing civil suits. Civil suits were lengthy, expensive, and required the victim to face the abuser numerous times; only one victim has received compensation to date.

PREVENTION

The government maintained prevention efforts. The government implemented the anti-trafficking strategy for 2017-2022 and adopted a national action plan for 2019-2020. The government allocated 7.9 million dinars (\$75,120) to implement the 2019-2020 national action plan. The Council to Combat Trafficking met once (never in 2018) and the Special Task Force on Strategy Implementation and Monitoring held four meetings. Nineteen municipal governments maintained multidisciplinary anti-trafficking teams. The government allocated 2.2 million dinars (\$20,490) to media projects on trafficking issues and organized educational and outreach activities. The government operated a hotline to collect trafficking-related tips and publicly released information on anti-trafficking efforts, including prosecution data and protection efforts. Police continued to enforce laws against purchasing commercial sex. The government licensed and regulated private employment agencies; however, observers reported in practice, tourist agencies also performed labor recruitment and were largely unregulated. Additionally, civil society reported recruitment agencies reformed under

different names after authorities revoked their licenses. They also reported instances in which the translations of contracts into English and/or Serbian differed substantively from the original contract in the origin country's language. GRETA reported the Market Inspectorate may take up to two months to respond to reports of fraudulent employment offers.

TRAFFICKING PROFILE

As reported in the last five years, human traffickers exploit domestic and foreign victims in Serbia and traffickers exploit victims from Serbia abroad. Traffickers exploit Serbian women in sex trafficking in Serbia, in neighboring countries, and throughout Europe, particularly Austria, Germany, Italy, and Turkey. 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 United Arab Emirates. Traffickers exploit Serbian children, particularly Roma, within the country in sex trafficking, forced labor, forced begging, and petty crime. Foreign victims identified in Serbia are from Albania, Cameroon, Denmark, Mali, Nigeria, and Pakistan. Thousands of migrants and refugees from the Middle East, Africa, and Asia transiting through or left stranded in Serbia are vulnerable to trafficking within Serbia.

ecoi.net summary:



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Austrian Red Cross
Austrian Centre for Country of Origin and
Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
T (Telephone) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

Contact
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F.A.Q.
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