

Document #2077631

USDOS – US Department of State

2022 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 investigating more suspects and revising indicators to identify trafficking victims among schoolchildren. The government increased resources to the Center for Protection of Trafficking Victims (CPTV), which established agreements with companies to secure food, hygiene products, and other donations for victims. The government developed a coordination body to support victims during criminal proceedings, formed four Special Working Groups on various anti- trafficking issues, and designated the Ombudsman as the National Rapporteur on trafficking. However, the government did not demonstrate overall increasing efforts compared with the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti- trafficking capacity. The government did not make proactive efforts to identify victims, and the implementation of standard operating procedures (SOPs) for identification remained inadequate. CPTV continued to lack the staff, skills, and resources necessary to consistently assess victims and coordinate care placement; the CPTV-run shelter remained closed due to its inability to obtain a license. The Anti- Trafficking Council did not meet, and the government did not adopt the 2021-2022 national action plan (NAP). Official complicity in trafficking crimes remained a concern. The government did 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 was downgraded to Tier 2 Watch List.

PRIORITIZED RECOMMENDATIONS:

- Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose adequate penalties.
- Fully investigate allegations of forced labor in the PRC-owned tire manufacturing plant in Zrenjanin and provide assistance and protection to the Vietnamese workers.
- Increase efforts to proactively identify victims, including among undocumented migrants, individuals in commercial sex, refugees and asylum seekers, and unaccompanied children engaged in street begging.
- Allocate sufficient resources to enable the Center for the Protection of Trafficking Victims to officially identify victims, implement victim protection efforts, and reopen the shelter for trafficking victims.
- 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.
- Fully implement written guidance to prevent penalization of trafficking victims for crimes committed as a direct result of being subjected to trafficking.
- Establish transparent standards and procedures for NGOs to obtain licenses for providing support services.
- Update the national referral mechanism by formalizing cooperation with NGOs and delegating specific roles and responsibilities to government agencies.
- Improve training for government personnel on victim assistance and referral and ensure foreign victims have access to assistance.
- 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.
- Consistently assemble coordinating bodies and adopt the 2021-2022 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 filed criminal complaints on 63 suspects, compared with 57 in 2020. The Public Prosecutor’s Office (PPO) investigated 35 suspects, compared with 22 in 2020. PPO prosecuted 26 defendants, compared with 42 defendants in 2020. Courts convicted 16 traffickers, compared with 18 traffickers in 2020. All 16 traffickers received imprisonment, but the government did not collect or report information on the length of sentences. Courts also acquitted 10 individuals, compared with seven individuals in 2020. Observers reported judges often issued light sentences for traffickers and some judges displayed victim-blaming biases against vulnerable populations, particularly the Romani community.

The Criminal Police Directorate (CPD) maintained an Anti-Trafficking Unit within 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, Niš, and Novi Sad and appointed at least two officers to investigate trafficking in the 27 regional police administrations. The government continued to use a trafficking task force to coordinate efforts to proactively investigate cases and maintained a separate human smuggling and trafficking task force that also investigated trafficking. 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 or experienced on 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 and MOI representatives on various anti-trafficking issues. The government shared information on trafficking-related cases through INTERPOL and EUROPOL but did not report the number of cases.

Despite ongoing and repeated allegations of official complicity, especially in sex trafficking, the government did not report any new prosecutions or convictions of government employees complicit in human trafficking crimes. Observers alleged a police officer provided protection to an organized criminal group and forced one woman into sex trafficking and unlawful acts. Observers reported PPO and the police officer’s superiors took no action after other officers intimidated and pressured the victim not to participate in the investigation, and authorities dismissed or transferred police and prosecutors willing to further investigate the case. In 2020, authorities investigated two cases with multiple allegedly complicit police officers in Sabac and Presevo who may have solicited sexual services from trafficking victims. In 2018, law enforcement charged a police officer involved in sex trafficking; the trial was ongoing.

The government did not fully investigate allegations that 500 Vietnamese workers endured forced labor, including inhumane working and living conditions and passport confiscation at the construction site of a PRC- owned factory in Serbia. 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 and 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 at the end of the reporting period, yet the government maintained that the Vietnamese workers were not trafficking victims.

PROTECTION

The government decreased victim protection efforts. The government maintained SOPs for the identification, referral, and support of trafficking victims, including standardized indicators and guidelines to identify victims in irregular migration flows and high-risk sectors. The government, in cooperation with civil society, revised indicators for identifying victims among schoolchildren. However, the SOPs did not provide clear roles and responsibilities for relevant institutions, lacked proactive efforts, and implementation remained “recommended” rather than required. In previous years, some first responders, particularly at Centers for Social Work (CSW), justified cases of potential forced child begging and forced labor involving Roma as traditional cultural practices and customs. CPTV assessed and officially identified adult victims and developed a protection and assistance plan for each victim, while CSW assessed and officially recognized child victims. In 2021, first responders referred 127 potential victims to CPTV, compared with 130 in 2020; law enforcement referred 59 potential victims, social welfare organizations referred 28 potential victims, NGOs and international organizations referred 14 potential victims; five potential victims self-identified, and private citizens and other institutions referred 21 potential victims. The government identified 43 victims from the 127 potential victims, compared with 48 victims in 2020; 23 were victims of sex trafficking, nine of forced labor, two of forced criminality, and nine of multiple types of exploitation. Overall, 21 were women, eight men, 13 girls, and one boy, and one foreign victim. 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 information or notify relevant

stakeholders on whether it interviewed the Vietnamese workers in the PRC-owned factory or conducted an official victim assessment in this case. Additionally, the National Rapporteur responded to an NGO complaint and concluded that CPTV and CSW failed to identify and provide assistance to a child victim. CPTV reported staff occasionally tested positive for COVID-19, while CSW staff were heavily burdened due to an increased workload and at times limited staff stemming from the pandemic and could not support all victims.

The government allocated approximately 35.2 million dinars (\$339,830) to CPTV for victim assistance, compared with 23 million dinars (\$222,050) in 2020. 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 the following assistance to victims: psycho-social, legal, educational, medical, financial, and reintegration support; personal protective equipment; and necessary medical assistance for COVID-19. All victims in 2021 and 2020 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 some local communities limit shelter accommodation to 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. CPTV opened a shelter for trafficking victims in February 2019 with the capacity to accommodate six victims; however, the CPTV-run shelter remained closed since September 2020 due to its inability to obtain a license. As a result, an NGO-run shelter operated the only specialized shelter for trafficking victims. Before the closure of the CPTV-run shelter, CPTV reported difficulties in fulfilling their expanded responsibilities from a coordinating body to one that also provided direct assistance at the shelter due to a continued lack of capacity, resources, and staff, including technical staff to provide support to victims. In previous years, civil society reported CPTV relying on its scarce resources to support the shelter with food, toiletries, and access to vehicles, but CPTV reported establishing agreements with companies to secure food, hygiene products, and other donations for victims.

CSW operated shelters for domestic violence victims that also accommodated female trafficking victims. The government maintained a drop-in shelter for homeless children, and CSW returned child victims to their families, referred them to foster care, or placed them in one of the two Centers for Children without Parental Care; three child victims were accommodated in general shelters (17 in 2020), seven were placed in foster families (21 in 2020), and none were accommodated in shelters for asylum seekers and migrants (seven in 2020). 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 and, in cooperation with the Association of Business Women, referred nine victims for training to NES (none in 2020). The government provided foreign victims temporary residence permits, renewable up to one year, and allowed potential foreign victims to stay for three months; no victims required a temporary residence permit (one victim in 2020). The government did not repatriate any victims (10 victims to Serbia in 2020). Observers reported the lack of a standardized database to collect information on trafficking victims created obstacles in managing cases and monitoring access and quality of support services.

Authorities penalized victims of sex trafficking, forced begging, and forced criminality with imprisonment, probation, and fines. 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 to cooperate with investigations and testify during trials, including children; the government did not report the number of victims that cooperated with prosecutions (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 link and access to witness protection. However, observers reported most courts did not have the technical capacity to offer testimony via video link and victims frequently appeared in front of the alleged trafficker during trial, causing re-traumatization. The government granted the status of an “especially vulnerable witness” to 33 victims (20 in 2020) but did not grant “protective witness status” to any victims (none in 2020). 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, and as a result, media organizations easily identified the victim. The government established a coordination body to support victims and witnesses during criminal proceedings. The government provided free legal aid to victims, but it did not collect information on how many victims received assistance, and observers reported local governments did not advertise the service and only a few victims received free legal aid. Judges rarely issued restitution in criminal cases and encouraged victims to seek compensation by filing civil suits; judges granted restitution to one victim for 1.12 million dinars (\$10,780), but it has not yet been paid out. Civil suits were lengthy, expensive, and required the victim to face the trafficker multiple times; only one victim received compensation to date. The Constitutional Court ruled that the PPO and High Court in Belgrade failed to fulfill their obligations to conduct a fair trial and protect a victim's rights in a child trafficking case and awarded compensation to the child victim for €5,800 (\$6,580).

PREVENTION

The government maintained prevention efforts. The government maintained the Anti-Trafficking Council composed of relevant government ministries, but it did not meet in 2021 or 2020. The government implemented the anti-trafficking strategy for 2017-2022 but did not adopt the NAP for 2021-2022. The government formed four Special Working Groups (SWG): one SWG to draft the NAP, one to monitor and implement the NAP, one SWG to strengthen proactive investigations, and one to improve prosecutions and legal protections. Each SWG held two

online meetings and added NGO representatives after requests to include civil society. The government did not include NGOs in the preparation of the draft NAP but solicited feedback during a public discussion. The National Coordinator led government-wide anti-trafficking efforts, and the government adopted an amendment to officially designate the Ombudsman as the National Rapporteur on trafficking to independently monitor and assess anti-trafficking efforts. Nineteen municipal governments maintained multidisciplinary anti-trafficking teams to implement local efforts. The National Coordinator allocated €30,000 (\$34,000) for awareness campaigns, including creating videos and informational materials. The government operated three hotlines that received calls for trafficking, domestic violence, and other crimes but did not report the number of trafficking-related calls. The government licensed and regulated private employment agencies; however, the government did not prohibit recruitment fees, and observers reported that tourist agencies also performed labor recruitment and were largely unregulated. Additionally, civil society reported recruitment agencies re-formed 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 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 were from Albania, Cameroon, Croatia, Denmark, Germany, Mali, Nigeria, North Macedonia, and Pakistan. Traffickers adapt operations to the impacts of the pandemic and shift recruitment to online means, such as social media outlets. 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.

Credible allegations indicate Vietnamese workers face forced labor at a construction site for a PRC-owned tire manufacturing plant in Zrenjanin. Recruitment agencies in Vietnam organized transportation, visas, and accommodation, and they charged the Vietnamese workers an exorbitant recruitment fee between \$2,000 to \$4,000 for their services. In March 2021, approximately 500 Vietnamese workers came to Serbia with expectations to work in a factory producing aircraft parts for €775 (\$880) 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 has not reported fully investigating these credible allegations of forced labor and instead continues to state the Vietnamese workers are not trafficking victims.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2021 to March 2022)

Country:

Serbia

Source:

[USDOS – US Department of State](#)

Original link:

<https://www.state.gov/reports/2022-trafficking-in-persons-report/serbia/>

Document type:

Periodical Report

Language:

English

Published:

29 July 2022

Document ID:

2077631

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