

USDOS – US Department of State

2021 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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Serbia remained on Tier 2. These efforts included convicting more traffickers and identifying more victims. The government increased resources to the Center for Protection of Trafficking Victims (CPTV), and judges granted “especially vulnerable witness status” to more victims. The government organized virtual awareness campaigns, including funding a competition to produce media projects on trafficking. However, the government did not meet the minimum standards in several key areas. The government continued to lack proactive identification efforts, particularly screening of migration flows and individuals in commercial sex. CPTV continued to lack resources and staff necessary to adequately assess victims and coordinate care placement, and the government indefinitely closed the Urgent Reception Center (URC) due to pandemic-related issues and its inability to obtain a license. The government halted direct assistance and referral procedures during the pandemic-related state of emergency from March 2020 to May 2020, forcing NGOs to provide all victim assistance measures with no government funding. Authorities penalized more victims and did not protect victims’ rights during court proceedings, including a lack of victim confidentiality and legal representation. The Anti-Trafficking Council did not meet, and official complicity in trafficking crimes remained a significant concern.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose adequate penalties. • 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 Center for the Protection of Trafficking Victims to officially identify victims and implement victim protection efforts. • 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 and reimbursement to NGOs and delegating specific roles and responsibilities to government agencies. • 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 policies and programs on 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 22 new cases (23 cases in 2019). Of these, 15 were sex trafficking cases, and seven were forced labor. The government prosecuted 42 defendants (47 in 2019). Of these, 33 were for sex trafficking, and 9 for forced labor. The government continued prosecutions of 53 defendants from previous years. Courts convicted 18 traffickers (15 sex traffickers in 2019) and acquitted seven individuals. All 18 traffickers

received imprisonment, but the government did not collect or report information on the length of sentences. Observers reported judges often issued light sentences for traffickers, and some judges displayed victim-blaming mentalities and biases against vulnerable populations, particularly the Romani community. Police organizations suffered from COVID-19 outbreaks, and courts delayed trials due to pandemic mitigation measures and/or lawyers and defendants testing positive for COVID-19. While judges and prosecutors worked shorter hours due to pandemic mitigation measures, prosecutors organized some virtual hearings for extraordinary circumstances.

The Criminal Police Directorate maintained an Anti-Trafficking Unit within the Directorate to Combat Organized Crime. In 2019, the Ministry of Interior (MOI) created a new labor division to investigate forced labor. The government maintained specialized units in Belgrade, Nis, and Novi Sad, and it 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 trafficking and maintained a separate human smuggling and 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 or experienced on trafficking issues. Prosecutors did not effectively distinguish between labor rights 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 virtual trainings for prosecutors, labor inspectors, police, and judges on various anti-trafficking issues. The government assisted 158 trafficking-related cases through INTERPOL and 233 cases through EUROPOL. Similar to a case of alleged complicity of MOI officials in 2019, 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 during the reporting period. Despite ongoing and repeated allegations of official complicity, especially in sex trafficking, the government did not report any new prosecutions or any convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government maintained victim protection efforts. The government identified 48 victims (36 in 2019). Of these, 21 were victims of sex trafficking, 14 of forced labor (including two of forced begging), four of forced criminality, and nine of multiple types of exploitation; 17 were children; five were foreign victims; and the majority were female. First responders referred 130 potential victims to CPTV (135 in 2019); law enforcement referred 59 potential victims, social welfare organizations referred 43 potential victims, and NGOs and international organizations referred 18 potential victims; four potential victims self-identified; and private citizens and other institutions referred six potential victims. The government maintained standard operating procedures (SOPs) for the identification, referral, and support of trafficking victims, including standardized indicators and guidelines to identify victims in migrant flows, schools, and high-risk sectors. However, the 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. In previous years, some first responders, particularly 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 recognized adult victims referred by first responders and developed a protection and assistance plan for each victim. CSW assessed and officially recognized child victims. In 2019, 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 as trafficking victims, a trend that re-victimized some victims. Civil society reported government spending was suspended during the COVID-19 state of emergency from March 2020 to May 2020, which halted direct assistance and referral procedures.

The government allocated 23 million dinars (\$240,080) to CPTV and the URC, compared with 3 million dinars (\$31,320) for only CPTV in 2019. The government could not provide information on funds allocated to all victim protection efforts in 2019 and 2020 and 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 potential victims in 2020 (121 in 2019) and all official victims in 2020 (184 in 2019) received some form of government assistance. The government reported providing equal protection to foreign and domestic 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 the government lacked official standards and criteria to approve licenses. The government opened the URC in February 2019, managed by CPTV and designed to provide safe shelter and services with the capacity to accommodate six victims; however, the URC closed in September 2020 due to staff testing positive for COVID-19 and its inability to obtain a license. Of the two major NGOs that work on trafficking issues, one was licensed to provide housing and victim assistance, and the other was licensed to administer an SOS hotline. In 2019, CPTV reported difficulties in fulfilling their expanded responsibilities from a coordinating body to one that also provided direct assistance at the URC due to 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 CPTV relied on its scarce resources to support the URC with food, toiletries, and access to vehicles.

CSW operated shelters for domestic violence victims that also accommodated female trafficking victims. GRETA visited a CSW-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. Additionally, after the closure of the URC, only one NGO operated a specialized shelter for trafficking victims. The government maintained a drop-in shelter for street 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; 17 potential child victims were accommodated in general shelters (31 in 2019), seven were accommodated in shelters for asylum seekers and migrants (11 in 2019), and 21 were placed in foster families (25 in 2019). 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 did not refer any victim to NES for assistance in 2020 (two in 2019). The government provided foreign victims temporary residence permits (TPR) renewable up to one year and allowed potential foreign victims to stay for three months; authorities granted one victim a TPR and assisted two victims in obtaining documents to apply for a TPR (no victims received a TPR in 2019, but two victims renewed their TPRs). The government repatriated 10 victims to Serbia, compared with repatriating two victims to Serbia and one victim to Albania in 2019. 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 continued to penalize victims for crimes their traffickers compelled them to commit; authorities penalized at least eight victims of sex trafficking, forced begging, and forced criminality with imprisonment, probation, and fines (at least four in 2019). 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 prosecution, including children; 68 victims, 36 adults and 32 children, participated in court proceedings (103 in 2019). In previous years, observers reported Serbian authorities threatened some victims with prosecution for non-cooperation. Judges did not grant witness protection to trafficking victims or adequately protect victims’ rights during lengthy court proceedings. The law designated officially recognized victims as a “particularly vulnerable group” eligible for special assistance and procedural consideration, but 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, testify via video link, and access witness protection. Judges granted “especially vulnerable witness status” to 20 victims (none in 2019) but did not grant “protective witness status” to any victims in 2020 (none in 2019). 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. Similarly, law enforcement leaked victims’ personal information to media organizations that published the information and details of their exploitation, which resulted in the victims experiencing threats and intimidation. Victims also frequently appeared in front of their traffickers during trial and, in previous years, did not receive notification when authorities released their traffickers from custody. Police escorted victims to and from court, but, in 2019, police did not consistently conduct “safety assessments” of official victims and often sent victims home to potentially exploitative family members. In 2020, CPTV did not hire legal representation for victims due to lack of funds, compared with spending 547,054 dinars (\$5,710) on legal representation in 2019. Judges did not issue restitution in criminal cases and continued to encourage victims to seek compensation solely by filing civil suits. Civil suits were lengthy, expensive, and required the victim to face their trafficker multiple 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 the national action plan (NAP) for 2019-2020. The government allocated 7.88 million dinars (\$82,270) to implement the 2019-2020 NAP. The Anti-Trafficking Council did not meet in 2020 (met once in 2019), and the Special Working Group on Strategy Implementation and Monitoring held four meetings (the same number as in 2019). Nineteen municipal governments maintained multidisciplinary anti-trafficking teams. The government organized virtual awareness campaigns targeting students, co-funded a competition to produce media projects on trafficking, and allocated 703,355 dinars (\$7,340) to television stations in Krusevac for local awareness campaigns. In 2019, the government allocated 2.15 million dinars (\$22,440) to media projects on trafficking issues and organized educational and outreach activities. The government operated three anti-trafficking hotlines 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. In previous years, GRETA reported the Market Inspectorate may take up to two months to react to reports of fraudulent employment offers. 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. 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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