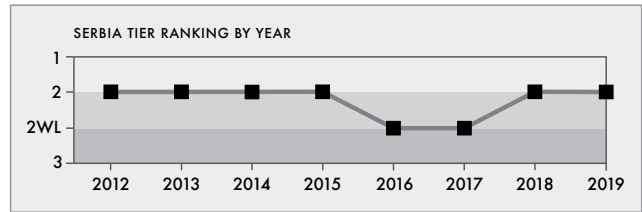


SERBIA: TIER 2

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 convicting more traffickers, creating a trafficking task force, and consolidating the investigative jurisdiction of trafficking cases under the Criminal Police Directorate (CPD). The government identified more victims and opened the urgent reception center after a delay of five years. However, the government did not meet the minimum standards in several key areas. The government continued to lack formal victim identification procedures, and the national referral mechanism was less effective due to a lack of clear roles and responsibilities for various government agencies. The government did not consistently apply non-

penalization principles for trafficking victims, and judges did not protect victims' rights during court proceedings. The lack of official criteria and standards for NGOs seeking approval to provide victim services created obstacles for NGOs to obtain licenses and for victims to access care.



PRIORITIZED RECOMMENDATIONS:

Formalize victim identification procedures and ensure their implementation. • Update the national referral mechanism to provide victims all necessary support services by formalizing cooperation with NGOs and delegating specific roles and responsibilities to government agencies. • Vigorously investigate, prosecute, and convict traffickers and sentence them to 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 to trafficking cases. • Fully implement written guidance to prevent penalization of trafficking victims for crimes committed as a direct result of being subjected to trafficking and amend the law to mandate non-penalization of victims. • Allocate sufficient resources to enable the Center for the Protection of Trafficking Victims to implement victim protection efforts. • Establish transparent standards and procedures for NGOs to obtain licenses for providing support services. • Improve training for government personnel on victim assistance and referral. • Increase efforts to identify victims, including among migrants, refugees and asylum seekers, and unaccompanied children engaged in street begging. • Provide labor inspectors and market inspectors the resources and training necessary to regulate recruitment agencies and investigate cases of fraudulent recruitment.

PROSECUTION

The government increased 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 suspects (13 in 2017). The government prosecuted 20 defendants (24 in 2017). Courts convicted 19 traffickers (13 in 2017). Seventeen traffickers received imprisonment and two received suspended sentences, but the government did not collect or report information on the length of sentences. The 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 split this responsibility, which hindered investigations because of unclear jurisdiction and the implication that trafficking required a transnational element. The government established and trained trafficking units in 27 regional police administrations, with at least two

officers exclusively investigating trafficking. The government formed a trafficking task force that coordinated efforts to proactively investigate trafficking and maintained a separate human smuggling and trafficking task force that also investigated trafficking.

The Public Prosecutor's Office (PPO) 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. Experts reported strengthened cooperation with the PPO but noted prosecutors faced difficulties in distinguishing between labor rights violations and forced labor. Additionally, prosecutors often plead down sex trafficking cases to mediating prostitution. The government trained police and prosecutors on anti-trafficking issues and worked with the Slovenian police to provide trainings for financial investigations in trafficking cases. Law enforcement charged a police officer involved in sex trafficking.

PROTECTION

The government increased efforts in victim protection. The government identified 76 victims (40 in 2017). Of these, 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 (21 were victims of sex trafficking, four of forced labor, four of forced begging, one of forced criminality, and 10 of multiple types of exploitation in 2017). Thirty-two victims were children (18 in 2017) and 57 were female and 19 were male (36 females and four males in 2017). First responders referred 193 potential victims (142 in 2017) to the government's Center for Protection of Trafficking Victims (CPTV); law enforcement referred 89 (44 in 2017), social welfare organizations referred 45 (57 in 2017), other government entities referred 21, and 38 were referred by civil society or other means (41 in 2017).

The government continued to lack formal victim identification procedures, including standardized indicators to screen vulnerable populations. Local centers for social work (LCSW) often did not intervene in cases of potential forced begging, and forced labor involving Roma. The government also used an outdated national referral mechanism that lacked established roles and responsibilities for referring victims to support services. 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 urgent reception center (URC). The government updated standard operating procedures for CPTV, but experts continued to report the lack of control and transparency over the official victim assessment. Additionally, GRETA 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. Observers reported CPTV lacked specific procedures for child trafficking victims. For example, the questionnaire used in the identification process was not adapted to children and children often did not understand the questions. Observers reported there were no child-friendly premises for interviews and the majority of social workers did not receive specific training on working with children. CPTV trained 45 professionals from different sectors on trafficking within migrant flows, 98 social workers on victim identification, and 40 volunteers and professionals on trafficking issues; however, CPTV continued to report many relevant ministries did not consider victim protection as a part of their responsibility.

The government could not provide information on funds allocated for victim protection in 2017 and 2018 and did not provide funding to NGOs despite relying on their victim support and reintegration services. Although the government required that 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. Experts continued to report CPTV referred fewer victims to NGOs for support and assistance. The government and NGOs provided psycho-social, legal, educational, medical, financial, and reintegration support. The government opened the URC in February 2019, designed to provide safe shelter and services, after five years of delays; the URC had the capacity to accommodate six victims. Before the URC's opening, an NGO operated the only specialized shelter for female trafficking victims. LCSW operated shelters for domestic violence victims that also accommodated female trafficking victims. GRETA visited a LCSW-run shelter in Sremska Mitrovica and reported "good living conditions," but these shelters generally lacked the specialized programs and trained staff necessary for working with trafficking victims. The government maintained a drop-in shelter for street children and when authorities identified 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. 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 37 victims to NES for assistance (36 in 2017). The government provided foreign victims temporary residence permits renewable up to one year and passed a law allowing potential victims to stay in Serbia for three months; one victim received a residence permit (two in 2017) and two victims had their residence permits extended. Two additional victims identified in the migrant population were granted asylum.

The government penalized victims for crimes committed as a direct result of being subjected to trafficking, particularly forced criminality. CPTV and civil society organizations intervened to suspend 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 to cooperate with investigations and testify during prosecution, including children. 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" to trafficking victims, including children; this status allowed witnesses to testify without the defendant present and allowed testimony via video link. Victims frequently appeared in front of their traffickers and did not receive notification when authorities released their traffickers from custody. Observers reported 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. 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 two victims 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 8.02 million *dinars* (\$77,580) to implement the strategy for the first two years. Government agencies signed a memorandum of cooperation defining roles and responsibilities for anti-trafficking efforts. The Council to Combat Trafficking did not meet in 2018 (once in 2017). Seventeen municipal governments maintained multidisciplinary anti-trafficking teams; however, observers reported most teams did not meet and had minimal activities in 2018. The government financed a television show and a media project on trafficking issues and organized educational and outreach activities, but efforts were on an ad hoc basis. The government operated a hotline to collect trafficking-related tips and publicly released information on anti-trafficking efforts, including prosecution data and protection efforts. The government incorporated trafficking issues into grade school curriculums. Police continued to enforce laws against purchasing commercial sex, but the government did not make efforts to reduce demand for forced labor. The government licensed and regulated private employment agencies; however, observers reported in practice, tourist agencies also performed labor recruitment and were largely unregulated. GRETA reported the Market Inspectorate may take up to two months to react to reports of fraudulent employment offers.

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, Montenegro, and Russia) 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, Denmark, Nigeria, and Pakistan. Thousands of migrants and refugees from Afghanistan, Iraq, Syria, and neighboring countries transiting through or left stranded in Serbia are vulnerable to trafficking within Serbia. Alleged traffickers reportedly influenced some trafficking cases through bribery of the victim or judge.