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GROUP OF EXPERTS
ON ACTION AGAINST
TRAFFICKING IN HUMAN BEINGS

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of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Serbia

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Secretariat of the Council of Europe Convention
on Action against Trafficking in Human Beings
(GRETA and Committee of the Parties)
Council of Europe
F-67075 Strasbourg Cedex
France

trafficking@coe.int

www.coe.int/en/web/anti-human-trafficking

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Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA's country-by-country monitoring deals with all parties to the Convention on an equal footing. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to all parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental. By the beginning of 2014, most of the parties had been or were being evaluated for the first time, whilst the number of parties to the Convention continues to grow.

GRETA decided to launch the second evaluation round of the Convention on 15 May 2014. Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA has decided to examine during this new evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of an obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to provide, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual final comments made by the national authorities, are made public and sent to the Committee of the Parties to the Convention.

I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") by Serbia took place in 2013-2014. Following the receipt of Serbia's reply to GRETA's first questionnaire on 1 June 2012, a country evaluation visit was organised from 15 to 19 April 2013. The draft report on Serbia was examined at GRETA's 17th meeting (1-5 July 2013) and the final report was adopted at GRETA's 18th meeting (4-8 November 2013). Following the receipt of the Serbian authorities' comments, GRETA's final report was published on 16 January 2014.¹

2. In its first evaluation report, GRETA noted that the institutional framework put in place in Serbia to combat trafficking in human beings, including the Republican Team for Combating Trafficking in Human Beings and the Council for Combating Human Trafficking, aimed to bring together in a co-ordinated effort all relevant actors. GRETA welcomed the efforts made by the Serbian authorities to adopt a multidisciplinary approach to the identification of victims of trafficking through the setting up of the Centre for the Protection of Victims of Trafficking. Nevertheless, GRETA urged the authorities to take further steps to ensure that all victims of trafficking are properly identified, by paying increased attention to the identification of victims of trafficking for labour exploitation as well as trafficking victims among asylum seekers and unaccompanied children. Further, GRETA urged the Serbian authorities to ensure that all assistance measures provided for in law are guaranteed in practice, including appropriate and safe accommodation and access to health care. Moreover, GRETA called on the authorities to review the legislation in order to ensure that the recovery and reflection period provided for in the Convention is specifically defined in law and to ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit. Despite the existence of legal possibilities for compensation, there had been no cases of successful compensation claims concerning victims of trafficking, and GRETA urged the Serbian authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking, including by setting up of a State compensation scheme accessible to victims of trafficking. GRETA welcomed the law-enforcement and prosecution efforts against human trafficking in Serbia and invited the authorities to further develop the training and specialisation of investigators, prosecutors and judges. Finally, GRETA urged the Serbian authorities to take additional measures to ensure that victims are adequately protected from potential retaliation or intimidation in the course of judicial proceedings, including by reviewing the practice of direct confrontation of victims with suspected traffickers in court.

3. On the basis of GRETA's report, on 7 February 2014 the Committee of the Parties to the Convention adopted a recommendation to the Serbian authorities, requesting them to report back on the measures taken to comply with this recommendation by 7 February 2016.² The report submitted by the Serbian authorities was considered at the 18th meeting of the Committee of the Parties (23 May 2016). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.³

4. On 8 June 2016, GRETA launched the second round of evaluation of the Convention in respect of Serbia by sending the questionnaire for this round to the Serbian authorities. The deadline for submitting the reply to the questionnaire was 8 November 2016. Serbia submitted its reply on 8 February 2017.⁴

¹ Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia, GRETA(2013)19, available at: <http://rm.coe.int/168063bdf5>

² Recommendation CP(2014)6 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia, adopted at the 13th meeting of the Committee of the Parties on 7 February 2014, available at: <http://rm.coe.int/cp-2014-6-srb-en/168063bdf3>

³ Report submitted by the Serbian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2014)6 on the implementation of the Convention on Action against Trafficking in Human Beings, available at: <http://rm.coe.int/1680657ec4>

⁴ Reply by Serbia to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, second evaluation round: <http://rm.coe.int/16806f7bf9>

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Serbian authorities, the above-mentioned report submitted by them to the Committee of the Parties, and information received from civil society. An evaluation visit to Serbia took place from 6 to 10 March 2017 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Mr Jan van Dijk, Second Vice-President of GRETA (at the time of the visit);
- Ms Rita Theodorou Superman, member of GRETA;
- Mr David Dolidze, Administrator in the Secretariat of the Convention.

6. During the visit, the GRETA delegation met Mr Zoran Lazarov, Assistant Minister of the Interior, as well as officials from the Organised Crime Department and the Office of Asylum under the Ministry of the Interior, the Centre for the Protection of Victims of Trafficking in Human Beings under the Ministry of Labour, Employment, Veterans and Social Issues, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Trade, Tourism and Telecommunication, the Ministry of Health, the Ministry of Youth and Sport, the Prosecutor's Office, the Office for Human and Minority Rights, the Office for Co-operation with Civil Society and the Commissariat for Refugees. Further, the GRETA delegation met a representative of the National Assembly of Serbia and a judge of the Supreme Court of Cassation.

7. Separate meetings were held with representatives of non-governmental organisations (NGOs) and lawyers. The GRETA delegation also met officials from the local offices of the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the Organization for Security and Co-operation in Europe (OSCE).

8. In the course of the visit, the GRETA delegation met members of the regional anti-trafficking network in Sremska Mitrovica and visited a shelter for victims of domestic violence and human trafficking located there. Further, GRETA visited two reception centres for refugees and asylum seekers, located respectively in Adaševci and Šid.

9. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

10. GRETA wishes to place on record the co-operation provided by the Serbian authorities during the visit and in particular by the contact person appointed by the Serbian authorities to liaise with GRETA, Mr Mitar Đurašković, Head of Department for Suppression of Cross-border Crime, Illegal Migration and Human Trafficking in the Border Police Directorate of the Ministry of the Interior. Nevertheless, GRETA notes that the Serbian authorities provided their reply to GRETA's second round questionnaire with a delay of three months. GRETA recalls that pursuant to Article 38, paragraph 2, of the Convention, Parties shall respond to GRETA's questionnaire, as well as to any other request for information from GRETA. The provision of responses by the deadline requested by GRETA is an indispensable part of the obligation to co-operate with GRETA.

11. The draft version of the present report was approved by GRETA at its 29th meeting (3-7 July 2017) and was submitted to the Serbian authorities for comments on 1 August 2017. The authorities' comments were received on 19 October 2017 and were taken into account by GRETA when adopting the final report at its 30th meeting (20-24 November 2017). The report covers the situation up to 24 November 2017; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 47-53).

II. Main developments in the implementation of the Convention by Serbia

1. Emerging trends in trafficking in human beings

12. Serbia remains primarily a country of origin of victims of trafficking in human beings (THB) and is significantly affected by internal trafficking. In the period 2013-2016, a total of 296 victims of trafficking were identified in Serbia (76 in 2013, 125 in 2014, 40 in 2015 and 55 in 2016). The majority of them were men (130) who were subjected to trafficking for the purpose of labour exploitation (20 in 2013, 98 in 2014, 1 in 2105, 6 in 2015), exploitation of begging (2 in 2013) or forced criminality (2 in 2013, 1 in 2015). The number of women identified as victims of trafficking was 72, most of whom were trafficked for the purpose of sexual exploitation (17 in 2013, 8 in 2014, 13 in 2015, 22 in 2016), but there were also 5 cases of forced marriage, 1 case of labour exploitation, 1 case of forced begging and 5 cases of multiple exploitation. There were 94 children among the identified victims (including 78 girls), trafficked primarily for the purpose of sexual exploitation, followed by forced begging (12 girls and 10 boys), forced marriage (15 girls), labour exploitation (6 girls) and forced criminality (3 boys and 1 girl).

13. During the reporting period, the great majority of the identified victims were Serbian nationals. Internal trafficking has continued to affect an important number of people (116). According to the authorities, traffickers exploit the difficult economic circumstances and vulnerability of victims, including addiction to narcotic drugs, and resort to the Internet and social networks to recruit victims.⁵ The number of foreign victims of trafficking identified in 2013-2016 was 13 (of whom six from Bosnia and Herzegovina and one each from Afghanistan, Albania, Pakistan, Nepal, Syria, "the former Yugoslav Republic of Macedonia" and Ukraine).

14. In 2015, there was a sharp increase in the number of refugees and migrants passing through Serbia due to its strategic location along the route from conflict-torn regions in the Middle East and Asia to Western Europe.⁶ About one million people reportedly crossed Serbia in 2015-2016, until the so-called "Balkan route" was closed. An estimated 8000 migrants remain at present in Serbia. Most of them, in particular women and children, are accommodated in camps and reception centres, but an estimated 1300 are without registered accommodation, sleeping in parks and other makeshift locations. Many of these migrants are in a difficult economic situation and are particularly vulnerable to exploitation as they struggle to continue their journey to Western Europe. There are concerns that efforts to identify victims of trafficking have diminished as the authorities, in particular the Border Police, have been overwhelmed by the migration situation. Given these challenges, GRETA notes that the real scope of human trafficking in Serbia is probably much higher than the above-mentioned figures of identified victims of trafficking suggest.

⁵ For more details, see page 3 of the Reply of the Serbian authorities to GRETA's questionnaire for the second evaluation round, available here: <http://rm.coe.int/16806f7bf9>.

⁶ UNHCR estimated that more than half a million people entered Serbia between October 2015 and September 2016, the vast majority of them passing through Serbia on their way to other countries. According to Frontex, in 2015 the Western Balkan region saw a 16-fold increase in illegal border crossings from the year before, primarily by migrants from Syria, Iraq and Afghanistan. See Frontex, *Vulnerability and exploitation along the Balkan route – Identifying victims of human trafficking in Serbia*, 2016, available at: <http://www.fao.no/index.php/nb/zoo-publikasjoner/fafo-rapporter/item/vulnerability-and-exploitation-along-the-balkan-route-2>

2. Developments in the legal framework

15. In the period following the first evaluation by GRETA, the Law on Employment of Foreigners was adopted in 2014, providing for the right of foreign victims of THB to be granted a work permit for the duration of the validity of their residence permit. Further, the amendments to the Law on Employment and Unemployment Insurance adopted in 2015 established the responsibility of temporary employment agencies offering employment in other countries to ensure that the job offers and working conditions are in conformity with the legislation of those countries.

16. A new Law on the Police was adopted in January 2016, introducing changes in the structure of the Police and the distribution of tasks among different directorates (see paragraph 182).

17. GRETA was informed that a new draft Law on Foreigners was in preparation, containing provisions regulating the recovery and reflection period and the temporary stay of victims of THB (see paragraphs 146 and 150), as well as other issues falling within the scope of the Council of Europe Anti-Trafficking Convention. GRETA would like to be kept informed of the adoption of the new Law on Foreigners.

3. Developments in the institutional framework

18. The composition of the Council for Combating Trafficking in Human Beings, which is an expert advisory body to the Government, was renewed on 30 October 2015. Apart from the Minister of the Interior who chairs the Council, it includes the Minister of Finance, the Minister of Education, Science and Technological Development, the Minister of Labour, Employment, Veteran and Social Affairs, and the Minister of Justice. GRETA notes that no meetings of the Council for Combating Trafficking in Human Beings have been held since 2014. Following the adoption of the new Strategy for the Prevention and Suppression of THB on 4 August 2017, the Government plans to approve a renewed composition of the Council, which is expected to hold its first meeting before the end of 2017. GRETA would like to be kept informed of the Council's new composition.

19. As noted in GRETA's first report, the Republican Team for Combating Human Trafficking is responsible for the co-ordination of anti-trafficking activities between various stakeholders. Its composition remains unchanged (i.e. representatives of 10 state bodies, nine NGOs, two other organisations and expert bodies, and four international organisations).⁷ The work of the Republican Team has been discontinued since 2013, pending the adoption of the new Strategy for the Prevention and Suppression of THB. Following the recent adoption of this strategy, the setting up of a new Strategy Implementation and Monitoring Working Group is underway. GRETA would like to be kept informed of the setting up of the Strategy Implementation and Monitoring Working Group.

20. In its first report, GRETA considered that the Serbian authorities should establish a fully-fledged post of National Anti-trafficking Co-ordinator, supported by a dedicated office. The co-ordination of national anti-trafficking action has recently been transferred from the Border Police Directorate to the General Police Directorate, within which a new Office for Co-ordinating Action against THB has been set up, headed by the National Co-ordinator⁸ and comprising four police officers. The office has been operational since 1 September 2017 and is located in the building of the National Assembly. GRETA welcomes the setting up of a dedicated Office for Co-ordinating Action against THB, which corresponds to one of the recommendations made in GRETA's first report. GRETA invites the Serbian authorities to ensure that this Office is provided with adequate resources to enable the effective carrying out of the tasks entrusted.

⁷ See paragraphs 24-26 of GRETA's first report on Serbia.

⁸ Mr Mitar Đurašković was appointed as the National Co-ordinator for the Fight against Trafficking in Human Beings by Government Decision of 6 October 2017.

21. The Centre for the Protection of Victims of Trafficking in Human Beings continues to be responsible for the identification of victims of trafficking and ensuring their referral to assistance and protection.⁹ In January 2016, the Centre signed a Memorandum on Co-operation with the NGO Astra in order to formalise co-operation in the area of identifying and assisting victims of trafficking. Further, in January 2017, the Centre signed a protocol on co-operation with the National Employment Service on finding employment for victims of THB. GRETA welcomes these developments and invites the Serbian authorities to provide continuous support to the work of the Centre.

22. NGOs continue to play a vital role in anti-trafficking action in Serbia, through carrying out research, implementing projects, providing training and engaging in the identification and assistance of victims of trafficking (see paragraphs 45-46, 50-52, 65, 69, 107, 113, 123 and 124). However, according to representatives of civil society and international organisations, the previously existing spirit of openness and inclusive co-operation on the side of the authorities in the area of combating human trafficking in Serbia, including using the expertise of NGOs for specific tasks, such as providing services to victims of human trafficking, has weakened in recent years (see also paragraph 213).

4. National Strategy and Action Plans

23. As noted in GRETA's first report, in 2012, the Ministry of the Interior launched the preparation of a new National Strategy for the period 2013-2018. A public discussion of the draft National Strategy to Prevent and Suppress Trafficking in Persons, Especially Women and Children and the related Action Plan for the period 2013-2015 took place in July 2013. However, the adoption of the new Strategy was delayed considerably. According to the authorities, pending its adoption, the previous Strategy for Combating Trafficking in Human Beings, adopted in 2006, continued to be applicable as it had no time limitation, but there was no accompanying Action Plan after the expiry of the previous one in 2011. Representatives of public bodies and NGOs noted that the absence of a new Strategy and Action Plan was a significant impediment for the mobilisation of anti-trafficking efforts and the availability of resources.

24. The new Strategy for the Prevention and Suppression of THB, Especially Women and Children, and Victim Protection, covering the period 2017-2022, accompanied by an Action Plan for the period of 2017-2018, was finally adopted by the Government on 4 August 2017. The Strategy defines 16 target areas where further action against trafficking is necessary and sets out a number of specific objectives, including strengthening partnerships at local, national and international levels, preventing trafficking by addressing root causes, improving the detection of trafficking cases, efficient prosecution of natural and legal persons, improving identification, protection and assistance of victims of trafficking through long-term social inclusion programmes, and protecting children from trafficking and exploitation in pornography and prostitution. It is envisaged to evaluate the implementation of the Strategy with the participation of civil society organisations. An annual budget for the implementation of the Strategy is earmarked, indicating the amount of funding to be allocated from the budgets of the Ministry of Labour, Employment, Veterans and Social Affairs, Ministry of the Interior, Ministry of Justice, Ministry of Health, Ministry of Culture and Information, Public Prosecutor's Office and the Judicial Academy. According to the Serbian authorities, the equivalent of €89 656 have been allocated from the state budget for the implementation of activities under the new Strategy in 2017-2019.

⁹ See paragraphs 29-31 of GRETA's first report on Serbia.

25. There has been no external evaluation of the implementation of previous National Strategy and Action Plan. Such an independent monitoring, which can be provided by a National Rapporteur or other independent mechanism, follows from the human rights-based approach to anti-trafficking action underpinning the Convention. GRETA is of the view that the key features of National Rapporteurs' mechanisms within the meaning of Article 29, paragraph 4, of the Convention should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, in the anti-trafficking field and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. A structural separation between these monitoring functions and executive functions makes possible an objective evaluation of the implementation of anti-trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations. GRETA considers that the Serbian authorities should establish an independent National Rapporteur or designate as the equivalent of a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions.¹⁰

5. Training of relevant professionals

26. In its first report, GRETA welcomed the efforts made in Serbia to provide training related to combating THB and invited the Serbian authorities to continue improving the knowledge and sensitivity of relevant professionals (including police officers, social workers, professionals working with children, labour inspectors, medical staff, public prosecutors, judges, the media and other relevant professional groups) about the rights of victims of human trafficking.

27. The Ministry of the Interior has three training programmes for police officers (basic police training, further professional development and specialist training). The basic police training includes a module entitled "Providing support, protection and assistance to victims" which aims to provide knowledge and skills to detect human trafficking offences and work with victims. In 2014 this module was followed by 570 police officers, and in 2015 and 2016, by 548. A specialist training course on THB took place from 24 to 30 October 2016, involving 15 police officers.¹¹ Further, the Academy of Criminalistics and Police Studies has included in its curriculum the subject of illegal migration and human trafficking. In 2016, 116 students followed this course, which lasted a total of 75 academic hours, and in 2015, 61 students.

28. Following the development of "National indicators for preliminary identification of victims of THB" in 2014-2015 (as part of the project "Strengthening the system of identification and support to human trafficking victims", implemented by the IOM in co-operation with the Centre for the Protection of Victims of THB), 25 two-day training sessions were conducted in the course of 2015 by a team of 20 trainers. The training aimed at developing the capacity of social workers, police officers and education professionals to apply these indicators. The first day of each session was dedicated to theoretical knowledge about THB, while the second day focused on applying the indicators in real-life situations. This training was provided to 446 professionals, including 196 from the social protection system, 118 police officers and 32 education professionals. A further two training sessions were organised in 2016 for 80 education professionals.

29. In 2016 the Border Police Directorate, in co-operation with IOM, prepared a training course for police officers concerning the situation of migrants, in the context of increased migration flows, which included information on identifying victims of trafficking. Eight training courses were conducted for a total of 237 police officers, including 205 working at the border and 32 from regional police departments.

¹⁰ GRETA notes that the setting up of an independent National Rapporteur on combating THB in Serbia is envisaged under the National Action Plan on Negotiating Accession to the EU for Chapter 24 - Justice, Freedom and Security.

¹¹ For further details concerning the programme of professional development of police officers in Serbia, see page 14 of the Reply of the Serbian authorities to GRETA's questionnaire for the second evaluation round.

30. Prosecutors who specialise on THB cases and act as contact points have been designated in the higher public prosecutor's offices in Serbia. These prosecutors follow training courses implemented as part of the syllabus of the Judicial Academy, in co-operation with the NGOs Astra and Atina. The training has focussed on communication with victims, the role of prosecutors according to the new Criminal Procedure Code (CPC) and victims' access to compensation. Further, workshops on setting up of Joint Investigation Teams (JITs), combating THB and smuggling of migrants, and providing support and assistance to victims of THB were organised jointly by the Prosecutor's Office, the Ministry of the Interior and the NGO Astra in September 2014, December 2015, November 2016 and May 2017. Two joint training sessions for police officers and prosecutors on combating organised crime, including THB, and financial investigations were held in 2016 and 2017.

31. Further, a training programme "Protection of children against human trafficking in education" was implemented by the Ministry of Education, Science and Technological Development, the Centre for the Protection of Victims of Trafficking and UNITAS Humanitarian Fund. It consisted of three two-day sessions and involved 125 teachers and professional staff. In 2016 a manual for the education system entitled "Protecting pupils from human trafficking" was published as part of this project.

32. Within the project entitled "Support to early development and social inclusion of children through strengthening capacities of polyvalent community health nursing service and ensuring continuity of health care for the family", implemented by the Ministry of Health and the Institute for Public Health with the support of UNICEF, a two-day training was organised for female health mediators. One of the topics of the training was working with women victims of human trafficking.

33. In August 2016, the International Federation of the Red Cross and Red Crescent Societies conducted three training sessions for 60 members of national disaster response teams of the Red Cross of Serbia. The training was entitled "Contact with human trafficking victim among migrants – how to identify and react" and aimed at providing indicators for detecting victims. The participants included volunteers and professionals likely to come into contact with possible victims of trafficking while working with migrants.

34. Specialised NGOs have continued to provide training on THB. By way of example, the NGO Astra organised training for 49 social workers in Belgrade and Novi Sad on the identification of victims, relevant procedures and victims' rights. It also provided training on victim identification to the local police, social workers and NGOs. As noted above, the NGO Astra organised in co-operation with the Judicial Academy four training sessions for prosecutors. These training activities were funded by the GIZ, the Open Society Foundation, the French Embassy in Serbia, the OAK Foundation and UN Women.

35. In the course of the evaluation visit, GRETA was informed by representatives of the Labour Inspectorate about the lack of training on THB for labour inspectors (see also paragraph 56). Since the visit, a workshop entitled "Preventing and combating THB for the purpose of labour exploitation - the role of labour inspectors and market inspectors" has been organised under a project implemented by the Council of Europe under the EU-Council of Europe Programmatic framework "Horizontal Facility for the Western Balkans and Turkey, on 16-17 October 2017 in Arandjelovac. It is planned to hold another workshop for labour inspectors by the end of 2017 and to develop a leaflet with indicators of labour exploitation for labour inspectors. Further, training to labour inspectors on child labour exploitation is being provided under the CLEAR project (see also paragraph 67). The first training session took place on 28-29 September in Kraljevo, with a total of 24 participants (8 labour inspectors, 7 social workers and 9 police officers), with two more sessions to follow, in Zrenjanin and Niš, until the end of 2017.

36. GRETA welcomes the continuing efforts made by the Serbian authorities and civil society to provide training on THB to relevant professionals. GRETA considers that the Serbian authorities should continue providing regular training on THB to police officers, social workers, labour inspectors, child care professionals, persons acting as legal guardians for children, especially unaccompanied foreign children, health-care professionals, prosecutors, judges and lawyers.

6. Data collection and research

37. In its first evaluation report, GRETA considered that the Serbian authorities should enhance exchanges of statistical information among the agencies responsible for collecting different types of information relating to THB. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection (see also paragraph 142).

38. As explained in GRETA's first report, statistical information on identified victims of trafficking is collected by the Centre for the Protection of Victims of Trafficking which is responsible for maintaining a database on victims. Police officers, social work centres and other stakeholders who may come into contact with victims of trafficking are obliged to contact the Centre when they suspect that a person is a victim of trafficking. The Centre has developed an electronic form for entering data concerning individual cases and another electronic form for monthly reporting. This enables the collection and processing of data according to different criteria, including sex, age, form of trafficking (i.e. transnational or internal), type of exploitation, nationality of the victim and assistance provided. Monthly statistical information and annual reports are published on the website of the Centre.¹²

39. According to the authorities, personal data protection is ensured through data encryption and passwords for relevant staff. Victims sign an agreement allowing the Centre to store and use their personal data. However, representatives of specialised NGOs have raised concerns over the lack of clarity of the procedures for safeguarding the confidentiality of personal data collected by the Centre and the duration of storing such data once the victim of trafficking has left the assistance system.

40. The Ministry of the Interior continues collecting data on investigations, prosecutions and convictions for THB, including the number of victims of trafficking involved in criminal proceedings and the number of convicted traffickers. As already mentioned in the first GRETA report, since December 2012, the Supreme Court of Cassation, the Administrative Court and the four Appellate Courts have operated a software for management of cases, allowing to electronically manage over 11 million court cases.

41. For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA invites the Serbian authorities to continue developing and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors, including reception centres for migrants and asylum seekers, and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to ensure the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

¹²

Available in English at: <http://www.centarzztlj.rs/eng/index.php/stats-and-reports>

42. In the first evaluation report, GRETA invited the Serbian authorities to continue conducting and supporting research on THB-related issues as an important source of information for the evaluation of current programmes and for planning future policy measures. According to GRETA, areas where more research was needed included trafficking for the purpose of labour exploitation, trafficking in children and trafficking within Serbia.

43. In 2015, in the framework of project "Strengthening capacities for strategic analysis and strategic assessment in criminal police directorates of ministries of interior of Serbia, Montenegro and "the former Yugoslav Republic of Macedonia", a Serious Organised Crime Threat Assessment (SOCTA) report was developed for Serbia, which included a strategic overview of THB. From the Serbian side, the report was prepared with the participation of representatives of the Ministry of the Interior, the Centre for the Protection of Victims of Trafficking, the Public Prosecutor's Office, and the NGOs ASTRA and Atina. The report, which was published on 30 December 2015, noted that internal trafficking continued to be the predominant form of THB in Serbia, though Serbia was also a country of transit and destination.

44. In 2012-2014 the Border Police Directorate and the Department for Combating High-Tech Crime of the Service for Combating Organised Crime implemented an EU twinning project entitled "Strengthening border and high-tech security", which aimed at the establishment of an efficient system for the prevention and suppression of irregular migration and THB in Serbia, including when committed by the misuse of high technologies and the Internet. Within this project, research of the abuse of information and communication technologies for human trafficking and irregular migration purposes was carried out.¹³

45. As part of the international project "Balkans ACT (Against Crime of Trafficking) Now!", implemented by the NGO ASTRA, research was carried into the feasibility of setting up a victim compensation fund in Serbia, examining possible sources of funding (see paragraph 158). Further, a handbook entitled "Monitoring and evaluation of anti-trafficking policies: handbook for victims' advocates"¹⁴ was developed as a tool to enable NGOs and local governments to assess anti-trafficking laws, policies and practices on the basis of indicators. ASTRA also carries out monitoring of court trials in cases of THB and publishes an annual analysis of such cases, with an emphasis on the position of victims and the protection of their rights during the proceedings.

46. Further, in 2016, the NGO ASTRA, in co-operation with the NGO Group 484 and the Autonomous Women's Centre published a research report entitled "Migrants with irregular status in the Republic of Serbia - current issues and prospects" focussing on the position of irregular migrants, with special emphasis on women, the identification of gender-based violence and risks of human trafficking.

47. In addition, the Academy of Criminalistics and Police Studies has published several research papers related to THB, including on countering organised crime and human trafficking in relation to cybercrime and the links between irregular migration and human trafficking. Students of the Academy produced four studies in 2015, respectively on the protection of victims of THB, the application of the non-punishment provision, trafficking for the purpose of organ removal and trafficking in children as a form of transnational organised crime.

48. GRETA welcomes the research carried out on different aspects of THB in Serbia and considers that the Serbian authorities should promote and fund further research, including on the impact of the current migration situation on human trafficking, the scale and forms of internal trafficking, and the root causes of different forms of THB.

¹³ This project was implemented by the Ministry of the Interior of Serbia, in co-operation with the Home Office of the United Kingdom and the Police Presidium of the Czech Republic. More information is available at: <http://www.centarzztlj.rs/eng/index.php/latest-news/item/10-opening-ceremony-of-the-eu-twinning-project>

¹⁴ Available at: <http://www.lastrada.org.mk/mainarchive/monitoring%20handbook%20SRB-ENG.pdf>

III. Article-by-article findings

1. Prevention of trafficking in human beings

a. Measures to raise awareness of THB (Article 5)

49. In order to raise awareness of THB, the Serbian authorities organise activities every year on the occasion of the World Day against Trafficking in Persons (30 July) and the European Day against Human Trafficking (18 October). Activities include press-conferences and round-table meetings involving Serbian and international experts, journalists and specialised NGOs.¹⁵ By way of example, on the occasion of the European Day against Human Trafficking in 2016, the Radio and Television of Serbia transmitted the film "Observers", the scenario for which was written in consultation with the Centre for the Protection of Victims of Trafficking and the Ministry of the Interior.¹⁶ The film was co-produced by the NGO Unitas Fund, Mikser House,¹⁷ the Radio and Television of Serbia and the Ministry of Education, Science and Technological Development. It is based on real stories of three young people who became victims of trafficking and encourages viewers to seek help from specialised institutions.

50. The NGO Astra is conducting a campaign entitled "Prevent, protect, compensate" aiming at increasing public awareness about THB and the rights of victims, including the right to obtain of compensation from the offender or from the state.¹⁸

51. A Committee for the Fight against Human Trafficking was established within the Serbian Red Cross in 2014. On the occasion of the European Day against Human Trafficking in 2014, activities to raise awareness of THB were carried out for health-care staff, including medical students, professors and other professionals. In 2016, Red Cross volunteers staged plays based on human trafficking situations at places of public gathering and a doll symbolising a victim of human trafficking was displayed in squares, streets and shop-windows.

52. In the context of the increased arrival of migrants and asylum seekers, the authorities in charge of the reception of migrants provide, in co-operation with NGOs and international organisations, information about the rights of migrants in Serbia and the risks of human trafficking. The Serbian Red Cross' Project Development Group has prepared a set of electronic educational materials aiming to increase awareness of the situation of migrants among volunteers working with this category of people.

53. There has been no impact evaluation of the above-mentioned awareness-raising measures. According to some interlocutors, there is need for co-ordination of information and awareness-raising campaigns.

54. GRETA considers that the Serbian authorities should continue carrying out information and awareness-raising campaigns on different forms of THB. Future awareness-raising measures should be designed in light of the assessment of previous measures and be focused on the needs identified.

¹⁵ For further details, see pages 21-22 of the Report submitted by the Serbian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2014)6 on the implementation of the Convention on Action against Trafficking in Human Beings, available at: <http://rm.coe.int/1680657ec4>

¹⁶ The film is available at: <http://www.youtube.com/watch?v=hl8UC1ZqVZs&t=5s>.

¹⁷ More information is available at: <http://festival.mikser.rs/en/about-mikser-house/>

¹⁸ More information is available at the website of the campaign: <http://www.astra.rs/en/campaign-prevent-protect-compensate/>

b. Measures to prevent THB for the purpose of labour exploitation (Article 5)

55. In its first report, GRETA considered that the Serbian authorities should strengthen action to combat THB for the purpose of labour exploitation by involving civil society, the Labour Inspectorate, businesses, trade unions and employment agencies in a joint platform and improving the identification of and assistance to victims of THB for the purpose of labour exploitation.

56. In 2015, the Labour Inspectorate (under the Ministry of Labour, Employment, Veteran and Social Affairs) was given authority to inspect registered and non-registered employers in any sector of economy in Serbia. However, private households which may employ domestic workers are not covered. Regular inspection visits should be announced three days in advance, but can also take place without a prior announcement if the inspectorate receives information about illegal employment. According to the authorities until March 2017, labour inspections resulted in detecting 813 persons employed in violation of the legislation, but none were referred for identification as victims of THB. GRETA notes that the capacity of labour inspectors to detect cases of trafficking in Serbia remains limited. The number of labour inspectors (238) is not commensurate with the number of businesses to check (356 000). Further, as noted in paragraph 37, until recently, no specialised training on trafficking for labour exploitation had been provided to labour inspectors. As a result, knowledge about THB among labour inspectors is limited and their ability to identify human trafficking cases, low.

57. The Market Inspection (under the Ministry of Foreign and Internal Trade and Telecommunications) inspects recruitment agencies and job intermediaries offering employment abroad. All such agencies must be registered with the Ministry of Labour, Employment, Veteran and Social Affairs. Amendments to the Law on Employment and Unemployment Insurance, adopted in 2015, make recruitment agencies responsible for ensuring that the advertised employment abroad is legal and the working conditions are in conformity with the legislation of the country of employment. From September 2015 to December 2016, the Market Inspection conducted 49 inspections, resulting in 21 proceedings concerning the absence of valid permits for recruiting workers. However, GRETA was informed that the Market Inspectorate may take up to two months to react to reports concerning misleading or fraudulent employment offers, and in the rare cases when a recruitment agency is dissolved following an infringement, those in charge of the agency open another one with a different name, but a similar activity.

58. As part of the Strategy for Public Procurement Development in Serbia for 2014-2018, it is envisaged to prepare guidelines for conducting public procurement procedures, promotion of good practices in the application of the social aspect in public procurement procedures (e.g. possibility of inclusion of young people, persons unemployed longer than one year, elderly persons), and establishing a system of evaluation and monitoring.¹⁹ GRETA was informed that a new Law on Public Procurement was expected to be adopted. GRETA would like to be kept informed of the adoption of the new Law on Public Procurement and its provisions relevant to preventing and combating THB.

59. The Serbian Chamber of Commerce and Industry adopted in 2012 a Corporate Governance Code, a specific part of which is dedicated to socially responsible business. Some international companies present in Serbia have developed programmes to combat THB in their operations and supply chains.²⁰ The Action Plan accompanying the new Anti-Trafficking Strategy has among its goals the creation of a model of co-operation with companies promoting corporate social responsibility. There is currently no national action plan on business and human rights in Serbia.

¹⁹ For additional information, see page 37 of the Reply by Serbia to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, second evaluation round: <https://rm.coe.int/16806f7bf9>

²⁰ See the appendix to the Serbian authorities' reply to GRETA's 2nd Round Questionnaire.

60. As part of the European Union and Council of Europe programmatic framework "Horizontal Facility for the Western Balkans and Turkey", the Council of Europe is implementing the action "Preventing and Combating Trafficking in Human Beings in Serbia" in the period 2016-2018. In the framework of this project the "Report on trafficking for the purposes of labour exploitation in Serbia" was issued in June 2017 and was presented at the seminar held on Belgrade on 21 June. Based on the findings and recommendations of this report, activities to enhance the capacity of labour inspectors, law enforcement officials, trade unions and other stakeholders to detect, identify and assist victims of trafficking in human beings for the purpose of labour exploitation are being carried out (see also paragraph 67).

61. GRETA considers that the Serbian authorities should continue and strengthen their efforts to prevent trafficking for the purpose of labour exploitation, in particular by:

- further sensitising the general public and relevant officials, in particular labour inspectors, market inspectors, police officers, prosecutors, judges, staff of centres for social work, teachers in secondary and vocational education schools and consular staff about the risks of trafficking for labour exploitation and the rights of victims;
- expanding the mandate of labour inspectors to cover private homes and providing them with resources and guidance so that they can be actively engaged in the prevention of THB;
- strengthening the monitoring of recruitment and temporary work agencies and reviewing the legislative framework for any loopholes that may limit protection or preventive measures;
- working closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights²¹ and Recommendation CM/Rec(2016)3 on human rights and business.²²

c. Measures to prevent trafficking in children (Article 5)

62. In 2016, the Centre for the Protection of Victims of Trafficking, in co-operation with the Ministry of Education, Science and Technological Development and the NGO Unitas Fund started implementing the project entitled "Prevention of risk of trafficking in children and youth in the Republic of Serbia". According to information provided by the authorities, preventive activities concerning THB were implemented in 589 schools, covering 6 273 teachers, 53 526 students and 4 190 parents.

63. In the course of 2015, as part of the initiative "Month of fight against trafficking in persons", 191 round tables on THB were held in primary and secondary schools, student campuses and universities. Speakers included representatives of the Serbian Red Cross, specialised NGOs and social service specialists. These activities reached nearly 13 000 students and 1 296 teachers and professors. The initiative also included presentations and broadcasts on radio and television.

64. Further, as of 1 September 2017, the Ministry of the Interior, in co-operation with the Ministry of Education, Science and Technological Development, implements the programme "The Fundamentals of Children's Safety" in all primary schools in Serbia. The programme is intended for pupils of the fourth and sixth grades and covers the safety risks and threats, methods of prevention, and skills for protection. There are eight teaching units, one of which is entitled "Prevention and Protection of Children from Trafficking in Human Beings".

²¹ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

²² [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec\(2016\)3&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec(2016)3&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true)

65. The Serbian Red Cross is currently implementing an anti-trafficking programme aimed at reducing the vulnerability of young people to trafficking. Within this programme, training of trainers has been organised for youth educators in Belgrade, Kragujevac, Kraljevo and Koceljevo, who will provide information and training on THB to school children for at least two subsequent years.

66. Since 2015 Serbia has been part of the global project of the International Labour Organization (ILO) entitled "Country level engagement and assistance to reduce child labour" (CLEAR).²³ The project is implemented with the participation of the Ministry of the Interior, the Ministry of Education, Science and Technological Development, the Labour Inspectorate, the Centre for the Protection of Victims of Trafficking and centres for social work. Activities include analysis of legal instruments and developing recommendations for their improvement, organising workshops for representatives of public institutions, trade unions, employers' associations and civil society, preparing information materials, training of labour inspectors and representatives of institutions involved in detection and prevention of child labour.

67. Another activity planned under the CLEAR project is to prepare a pilot programme for Roma children to take them out of the street and motivate them to attend school. A mapping and analysis of national and local social programmes and policies concerning child labour, child trafficking and vulnerable groups, such as Roma children, will also be performed. It is also planned to prepare a study on exploitation of children, with an emphasis on child begging and exploitation of children for the production of material with sexually explicit content. One of the outcomes of the CLEAR project was the Regulation on determining hazardous work for children, adopted by the Government on 29 May 2017, which will be applicable as of 1 January 2018. Other deliverables include proposals for amendments to the Labour Law, the Law on Public Peace and Order, and the General Protocol for Protection of Children against Abuse and Neglect. To improve the capacity of labour inspectors to prevent, identify and protect children from labour exploitation and enhance co-ordination and referrals between the labour inspectorate, police and centres for social work at the local level, two sets of checklists were developed.²⁴ In addition, a Road Map to Eliminate Child Labour, for the period between 2018 and 2022, was expected to be completed by the end of November 2017.

68. On 7 July 2016 the Government of Serbia adopted a "Regulation on safety and protection of children using information and communication technologies", containing preventive measures and establishing co-operation between relevant authorities. The Ministry of Trade, Tourism and Telecommunications is responsible for carrying out preventive measures through providing regular information to children, parents and teachers and establishing a single point for advice concerning Internet safety. In 2014-2016, the Ministry of Trade, Tourism and Telecommunications implemented two projects, entitled respectively "Click Safely" and "IT Caravan", aimed at informing children, parents and teachers about Internet safety and online bullying. Under the project "IT Caravan", from April to June 2016 presentations were given at schools in 15 towns, attended by nearly 5 000 pupils aged 11-15. The Ministry also supported the project "Hundred schools for childhood without suffering", implemented by the Centre for education and prevention of social pathology "Dorotej", which aimed at raising awareness of school children about the risks related to the use of the Internet, especially as regards social networks.

²³ https://www.dol.gov/ilab/projects/summaries/GlobalCLEAR_FY13.pdf

²⁴ Available on the website of the Ministry of Labour, Employment, Veteran and Social Affairs: <https://www.minrzs.gov.rs/lat/kontrolne-liste-ir.html>

69. Children living and working on the streets in Belgrade and other large towns of Serbia are potentially vulnerable to trafficking and exploitation. On 29 March 2016, the authorities of the City of Belgrade, the Ministry of the Interior and the NGO Save the Children signed a co-operation agreement and established a working group for the prevention and protection of children living and working on the streets and child victims of violence. Further, a Protocol on the activities of relevant authorities and institutions working with children living and working on the streets was adopted on 18 November 2016. In this context, GRETA refers to the Concluding Observations of the Committee on the Rights of the Child (CRC) on Serbia, which calls upon the Serbian authorities to assess the number of children living and working on the streets.²⁵

70. In the first evaluation report, GRETA invited the Serbian authorities to continue taking steps to secure the registration of all persons, both as a prevention measure and in order to avoid re-trafficking. As of 2016, a new administrative procedure for the registration of birth has been put in place. It provides parents with the possibility to register a new-born child, including the attribution of the unique citizen registration number, without having to go the registrar's office. However, GRETA was informed that parents who have no identification documents cannot register their children. According to UNICEF data from 2014, some 4.7% of Roma children aged five did not have registration. GRETA refers to the Concluding Observations of the CRC, according to which some 8 500 persons are not registered at birth in Serbia.²⁶ The Serbian authorities have stated that the legislative and institutional arrangements enabling the registration of children at birth have improved with the adoption of the 2012 Law on Non-Contentious Procedure and the conclusion of a Memorandum of Understanding between the Ministry of Public Administration and Local Self-Government, the Public Defender's Office and the UNHCR office in Serbia. The authorities have also referred to practical measures taken to improve access to registration, including training for the judiciary, employees of centres for social work, health mediators and educational assistants. Measures to identify persons without registration have also been undertaken, with a view to assisting them in obtaining registration, including through the provision of free legal aid.

71. GRETA notes that unaccompanied and separated children face risks of exploitation and trafficking. Among the estimated 8 000 migrants and asylum seekers present in Serbia in March 2017, some 47% were children, including an estimated 670 to 800 unaccompanied children. The majority of these children lived in reception centres for asylum seekers and migrants, together with adults, without adequate facilities or trained staff. Partly due to the limited number of places in asylum centres and/or refugee camps, a number of children slept on the streets in unsafe and unsanitary conditions. In their comments to the draft GRETA report, the Serbian authorities indicated that as of the second half of May 2017, some of the migrants staying outside reception centres in Belgrade have been accommodated in reception centres. Unaccompanied foreign children are assigned guardians from among staff of the centres for social work responsible for the area where the reception centre is located. As centres for social work lack human resources, one staff member may have as many as 50 children under his/her guardianship. Following the adoption of the Law on Ceilings on the Number of Employees in 2015 and the government decision to reduce public employment by 14 500 positions, it is practically impossible to recruit additional staff for reception centres and centres for social work. Even when additional staff is recruited under projects funded by extra-budgetary resources, centres for social work and reception centres for migrants and asylum seekers remain understaffed. According to the previously mentioned Concluding Observations of the CRC, the interpretation services are inadequate and there are delays in the appointment of guardians, who are often not properly trained for this task.

²⁵ Committee on the Rights of the Child, [Concluding Observations on the combined second and third periodic reports of Serbia](#), 74th session (16 January – 3 February 2017).

²⁶ GRETA also refers to Concluding Observations of the Committee on the Rights of the Child on Serbia, where the latter "is concerned about persistent discrimination against Roma children in all areas of life, which is among the principal reasons leading to the placement of Roma children in institutions" and about "the fact that Roma children, as well as children with disabilities, migrant, refugee and asylum-seeking children, minority children, children living in remote areas, children in street situations, children with HIV/AIDS, and lesbian, gay, bisexual and transgender children, continue to face discrimination with regard to access to education, health care and adequate housing." Committee on the Rights of the Child, [Concluding Observations on the combined second and third periodic reports of Serbia](#), 74th session (16 January – 3 February 2017).

72. The Serbian authorities informed GRETA that, in accordance with the principle of the best interests of the child, access to education is provided to all migrant children who are of school age, irrespective of their legal status, and that during the 2017-2018 academic year, some 546 migrant children started attending school in 33 different schools.

73. Referring to Article 5, paragraph 5, of the Convention, according to which Parties to the Convention shall take specific measures to reduce children's vulnerability to trafficking, as well as the Council of Europe's Action Plan on protecting refugee and migrant children (2017-2019),²⁷ GRETA urges the Serbian authorities to strengthen their efforts in the area of prevention of child trafficking, in particular by:

- ensuring that unaccompanied and separated children benefit from effective care arrangements, including safe and appropriate accommodation, and that reception centres for migrants, centres for social work and facilities for children have adequate human and financial resources to fulfil their tasks efficiently;
- ensuring timely appointment of guardians and effective guardianship to unaccompanied foreign children.

74. Further, GRETA considers that the Serbian authorities should continue their efforts to:

- raise awareness of the risks of THB among children, parents, educational staff and child welfare professionals, paying special attention to Roma communities and children in street situations;
- ensure that all children are registered at birth;
- promote online safety to prevent trafficking committed through the misuse of the Internet.

d. Social, economic and other initiatives for groups vulnerable to THB (Article 5)

75. In its first report, GRETA urged the Serbian authorities to include anti-trafficking measures in the Strategy for the Improvement of the Status of Roma. On 3 March 2016, the Serbian Government adopted the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period 2016-2025. GRETA was informed that the Strategy includes measures aimed at prevention of THB, as well as protection, support and reintegration of victims.

76. The Roma Health Mediators programme, described in GRETA's first evaluation report, continues to be implemented, with 67 mediators active in 59 municipalities. The authorities envisage increasing their number to 90 by 2018. The health mediators have been instrumental in facilitating access to health care and education and obtaining identity documents for people from the Roma community. They could play an important role in identifying risk situations and possible trafficking cases. However, in the opinion of representatives of public bodies, the potential of health mediators has not been fully used in preventing human trafficking and they need more training on this subject and a greater awareness of their role in this respect.

77. In January 2017, the National Employment Service and the Centre for the Protection of Victims of Trafficking signed a protocol on co-operation in finding employment for victims of THB. The protocol defines the ways of exercising the right to employment of victims of trafficking as an especially vulnerable group, as well as the concrete steps to be taken to provide them with employment. Since the signing of the Protocol, some 36 victims of trafficking have been referred to the National Employment Service and have had individual employment plans drawn up, including further education, vocation training and re-qualification.

²⁷ Adopted at the [127th Session of the Committee of Ministers](#) in Nicosia, Cyprus, on 19 May 2017.

78. More generally, the Ministry of Labour, Employment, Veteran and Social Affairs is taking measures to strengthen the economic position of socially disadvantaged women. To implement the National Strategy for Gender Equality for the period from 2016 to 2020 and the accompanying Action Plan, in November 2016 the Ministry issued a public call to NGOs to submit proposals for projects on improving the economic position of women by stimulating their involvement in income-generating activities. Out of 81 applications, the Ministry selected 12 projects related to women's social entrepreneurship, training on strengthening their capacities, developing IT skills and producing organic food, with an overall budget of 24 000 euros.

79. Combating violence against women as one of the root causes of trafficking is another area where the Serbian authorities have reported developments since the first evaluation. Following the ratification by Serbia of the Council of Europe Convention on preventing and combating violence against women and domestic violence ("Istanbul Convention") on 31 October 2013, the Serbian Parliament adopted the Law on the Prevention of Domestic Violence, which entered into force on 1 June 2017. To comply with the Istanbul Convention, the law introduced new criminal offences in the CC, including forced marriage, as well as provisions on the protection and assistance of victims of crimes prescribed in Convention. Further, in 2016 the Ministry of Justice launched a campaign entitled "Iskljuci nasilje" ("Exclude Violence") and presented a dedicated website of the campaign.²⁸ In 2015, the Ministry of Education, Science and Technological Development recommended to all schools to include in their annual work plans workshops and round tables on the prevention of gender-based violence, discrimination and segregation, and to ensure that students, parents, social services, local prosecutor's offices and the police are involved.

80. GRETA welcomes the continuous work of health mediators and considers that the Serbian authorities should increasingly involve them in the prevention and detection of human trafficking in the Roma community, by providing them with training for this purpose.

81. While acknowledging the efforts already made, GRETA considers that the Serbian authorities should take further measures to strengthen prevention of human trafficking through social, economic and other measures for vulnerable groups. This should include proactive measures to combat gender inequality, stereotypes and gender-based violence, and to facilitate access of the Roma community to education, the job market and health services.

82. Further, as a measure to prevent trafficking, GRETA considers that the Serbian authorities should develop social and economic initiatives for migrants and asylum seekers staying in Serbia.

e. Measures to prevent trafficking for the purpose of organ removal (Article 5)

83. GRETA notes that while trafficking in human beings for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs²⁹ are distinct crimes, they share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.³⁰ Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the “donor” and ensuring that “donors” are treated as victims of trafficking in human beings.

84. In Serbia trafficking in human beings for the removal of organs is criminalised under Article 388 of the CC. The transplantation of organs is regulated by the Law on Organ Transplantation, in force as of 1 January 2010. This law sets the requirements for the transplantation of organs from living donors, subject to the donor's written consent. Health care institutions involved in the removal, distribution, transplantation and determination of matching of organs must be issued with a licence by the Ministry of Health. According to Article 10, paragraph 10, of the Law on Organ Transplantation, the conditions, equipment and staff dealing with transplantations have to be set out in a rulebook adopted by the Minister of Health; however, as such a rulebook has not yet been adopted, no new licenses are being issued to medical institutions. The five transplantation centres currently performing organ transplantations in Serbia have been carrying out this activity since 1975 and are doing so on the basis of previously issued licenses under the Law on Health Care.

85. A new Law on Human Organ Transplantation was expected to be submitted to the National Assembly in November 2017. According to the authorities it includes the requirement to oversee the medical care and recovery of donors and recipients of organs, which is not the case under the current legislation. GRETA would like to be kept informed of the adoption of the new Law on Human Organ Transplantation.

86. According to the information provided by the Ministry of Interior, in 2014, six criminal charges were brought against five men and one woman, all Serbian nationals, for the offences proscribed under Article 79 of the Law on Organ Transplantation, for offering their organs for sale via the Internet. According to the authorities, none of these cases had elements of THB.

87. The Serbian authorities are not aware of any Serbian nationals involved in illegal organ transplantations in the country or abroad. The Biomedicine Directorate of the Ministry of Health has information about the number of Serbian citizens who had organs transplanted abroad and whose health status is monitored in transplantation centres in Serbia. In September 2016, Serbia appointed a contact person from the Biomedicine Administration for liaising as regards criminal offences in the field of human organ trafficking. Further, GRETA notes that on 25 January 2017 Serbia became an associate member of Eurotransplant.³¹

²⁹ Opened for signature on 25 March 2015 in Santiago di Compostela, Spain.

³⁰ See “Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs”, Joint Council of Europe/United Nations Study (2009), in particular pages 55-56; “Trafficking in human beings for the purpose of organ removal in the OSCE region: Analysis and Finding”, OSCE Occasional Paper No. 6 (2013).

³¹ Eurotransplant is a non-profit organisation responsible for the allocation of donor organs in Austria, Belgium, Croatia, Germany, Hungary, Luxembourg, the Netherlands and Slovenia. For more information, visit http://www.eurotransplant.org/cms/index.php?page=about_brief

88. According to the authorities, medical doctors have not been sensitised about the risks of human trafficking for the removal of organs, but the authorities intend to do this in the near future. GRETA considers that, as part of their training, medical professionals involved in organ transplants and other relevant staff should be sensitised about THB for the purpose of organ removal.

89. Further, GRETA encourages Serbia to sign and ratify the Council of Europe Convention against Trafficking in Human Organs, which will enter into force on 1 March 2018, as this could contribute to preventing trafficking for the purpose of organ removal.

f. Measures to discourage demand (Article 6)

90. As already mentioned in the first evaluation report, the use of services of trafficked persons was criminalised in 2009 by Article 388, paragraph 8, of the CC (see paragraph 175).

91. The authorities have indicated that the awareness-raising activities referred to above (see paragraph 49) have also served to discourage demand for the services of trafficked persons.

92. The Serbian authorities have referred to the new Law on Public Peace and Order, adopted in 2016, which established the involvement in prostitution, letting premises for prostitution and the purchase of sexual services from persons in the situation of prostitution as misdemeanours (subject to a fine from 50 000 up to 150 000 Serbian dinars, equivalent to from €410 to €1200, or 30 to 60 days of imprisonment). The authorities informed GRETA that by 1 October 2017, a total of 561 requests for initiating misdemeanour proceedings for cases of violation of Article 16 of the Law were submitted. According to the authorities, this Article does not envisage punishing those who were forced to provide sexual services, as they would be considered victims of THB and if, during law enforcement actions, it becomes apparent that a person was forced into prostitution as the result of sexual or other exploitation, or THB, they would not be subject to any sanctions because they would be treated as victims of criminal offences perpetrated against them.

93. GRETA considers that the Serbian authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector. Additional measures should be taken to increase awareness about the risks of trafficking and exploitation of migrants and asylum seekers present in Serbia, which should also address the aspect of demand.

94. Further, GRETA considers that the Serbian authorities should keep under review the impact of the Law on Public Peace and Order on the identification of trafficking victims for the purpose of sexual exploitation, the protection and assistance provided to them, the application of the non-punishment principle and the prosecution of traffickers, including through independent research.

g. Border measures (Article 7)

95. In its first report, GRETA considered that the authorities should make further efforts to detect cases of THB in the context of border control and introduce a checklist to identify potential THB-related risks during the visa application system.

96. In 2016, the Ministry of the Interior, in co-operation with IOM, prepared a manual entitled "Humanitarian Border Management – Standard Operating Procedures for Border Police". Indicators and guidance for the identification of victims of THB are made available to all border police officers for the purpose of preliminary identification of victims of human trafficking in the context of border controls (see also paragraph 105). According to the authorities, the manual and indicators have been distributed to all Border Police Regional Centres and are used during the training of border guards.

97. In cases of transnational THB, the Ministry of the Interior is of the opinion that the most serious threat enabling crossing of the state border is the use of forged or false identification documents. For this reason, the Border Police Administration has made it a priority to provide its staff with continuous training on detection of forged documents.³² The Border Police Administration has also produced a "Manual on Protected Documents, Production and Protection Elements" with the aim of improving the detection of forged documents. Border crossing points are equipped with the latest technological devices for scanning and electronic reading of documents, which also allow recording passengers of commercial carriers.

98. In 2014-2016, while performing state border control, border police officers detected and referred to the Centre for the Protection of Victims of Trafficking three presumed victims of THB. No such referrals were made in 2017.

99. According to representatives of the Border Police Directorate, the high number of persons transiting Serbia at the peak of migration flow in 2015-2016 and the very short time available to border guards to perform checks and risk analysis made it very difficult to detect victims of THB. GRETA was informed that in the context of the on-going reform within the police (see paragraph 182) the responsibility for combatting THB has been transferred from the Border Police Directorate to the Criminal Police Directorate, but the former maintained the competence for detecting possible victims of THB in the context of border control. GRETA was also informed of the adoption of the Integrated Border Management Strategy and an Action Plan for its implementation, which envisage strengthening the capacities to identify victims of THB through training of border police and customs officers, co-operating with NGOs and constructing accommodation facilities for vulnerable categories of foreigners.

100. In the context of strengthening cross-border co-operation, in the period 2014-2016, six joint contact centres were set up by the Border Police of Serbia and the Border Police of neighbouring countries, including Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Romania and "the former Yugoslav Republic of Macedonia". Since becoming operational, these joint contact centres have processed a total of 863 requests for exchange of information, of which 27 concerned suspected cases of transnational THB committed abroad.

101. While welcoming the efforts made to improve the capacity of border police officers to detect and identify victims of trafficking, GRETA considers that the Serbian authorities should step up their efforts to detect potential victims at border crossings and provide relevant officials with training to enable early detection and referral of possible victims of THB among vulnerable groups, such as migrants and asylum seekers, including unaccompanied and separated children.

2. Measures to protect and promote the rights of victims, guaranteeing gender equality

a. Identification of victims of THB (Article 10)

102. In its first report GRETA considered that the Serbian authorities should take further steps to ensure that victims of trafficking are properly identified and can benefit from all the assistance and protection measures provided for under the Convention, including by promoting multi-agency involvement in victim identification, formalising the role and input of specialised NGOs and involving other relevant actors, such as labour inspectors, social workers and medical staff, as well as paying more attention to the identification of victims of trafficking among asylum seekers and unaccompanied foreign children.

³² By way of example, in 2016 through bilateral co-operation activities with the Ministries of the Interior of France, Germany, Austria and the Netherlands, 80 border police officers received basic training as regards the detection of forged documents, 20 officers received advanced training, and two officers received expert-level training.

103. As noted in GRETA's first report on Serbia, Standard Operative Procedures concerning the identification and referral of victims of trafficking have been adopted as part of the Agreement on Co-operation signed on 12 November 2009 between the Ministries of the Interior, Justice, Health, Education, and Labour and Social Policy. They comprise chapters detailing procedures for the identification of victims, the provision of emergency care and assistance, long-term assistance, rehabilitation and reintegration, return to the country of origin, participation in criminal proceedings, and compensation.

104. Since its establishment in 2012, the Centre for the Protection of Victims of Trafficking has been in charge of the formal identification of victims of THB in Serbia, as well as the organisation and co-ordination of victims' protection and assistance. The identification of victims of trafficking may be initiated by the police, centres for social work, NGOs, shelters for victims of domestic violence, centres for children without parental care or other relevant structures. The body or person who comes into contact with a possible victim of trafficking should notify the Centre for the Protection of Victims of Trafficking. Upon such notification, staff of the Centre travel to the location where the possible victim has been detected to conduct an interview and, taking into account information received from other actors (such as the police, NGOs, centre for social work) they determine whether the person concerned is a victim of trafficking. The Centre continues to use a questionnaire for the assessment of indicators and identification of victims of trafficking and a standardised form for recording relevant information.

105. In 2014-2015 the Centre for the Protection of Victims of Trafficking, in co-operation with IOM, Ministry of Education, Science and Technological Development, prosecutor's offices and specialised NGOs, developed "National indicators for preliminary identification of victims of trafficking" for the police, social protection and education systems. Training on the use of these indicators was organised for different professional groups (see paragraph 28). The introduction of these indicators coincided with the arrival of a large number of migrants, which created unprecedented workload for all services. Further, a guiding document for police officers, entitled "Indicators for the police regarding preliminary identification of victims of human trafficking", has been developed and is available on the Intranet of the Ministry of the Interior.

106. The Centre for the Protection of Victims of Trafficking has published on its website information on the self-identification and assistance available to trafficking victims. Information about the telephone hotline operated by the Centre round the clock is also available via leaflets, posters and the web site of the Centre. Further, two leaflets were produced, one about the Centre and the other one about types of assistance and organisations providing it. Through the hotline, in 2014-2016 the Centre received 607 reports of possible THB, including six from presumed victims themselves, which led to three formal identifications.

107. Further, the NGO Astra continues to operate a SOS hotline for trafficking victims. From the beginning of its operation in March 2002 till December 2016, some 485 victims have been identified through this hotline.

108. Local multidisciplinary teams (referred to as "networks") have been set up in different towns of Serbia for detecting human trafficking victims and referring them for identification on the basis of Memoranda of Co-operation concluded among their members.³³ According to information received by GRETA, at present 17 such networks function in Serbia, of which seven have signed official Memoranda of Co-operation.³⁴ They are composed of representatives of centres for social work, offices for youth protection, the judiciary, prosecutor's offices, the police, the Red Cross of Serbia and specialised NGOs. These teams meet to discuss specific cases.

³³ For more information, see paragraphs 154-155 of the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia, GRETA(2013)19, available at: <http://rm.coe.int/168063bdf5>

³⁴ In Niš, Novi Sad, Sremska Mitrovica, Kraljevo, Kragujevac, Vranje and Subotica.

109. According to representatives of specialised NGOs and international organisations, there is a lack of proactive efforts and outreach work to identify victims of THB for different purposes of exploitation in Serbia. The Centre for the Protection of Victims of Trafficking does not have sufficient staff to examine all cases referred to it in a timely manner, as the identification process is a complex and time-consuming task. Further, even though specialised NGOs are entitled to refer possible victims of THB to the Centre for the Protection of Victims for identification, their role in the identification process has not been set out in a clear manner. The transfer of competences to combat THB from the Border Police Directorate to the Criminal Police Directorate was generally assessed as a positive move, even though it was feared that it may initially result in a drop in the detection of victims of THB owing to the lack of training among police officers.

110. In their comments to the draft report, the authorities have stated that centres for social work, which operate round the clock, contact the Centre for the Protection of Victims of Trafficking immediately upon receipt of a report about the detection of a presumed victim of THB. The Centre makes the first contact with the presumed victim as soon as possible, in most cases within three days from the submission of the report. In case of need for urgent intervention, a staff member from the Centre travels immediately to interview the presumed victim.

111. As already mentioned, the identification of victims of trafficking for the purpose of labour exploitation is hampered by the limited capacity and lack of specialised expertise of the Labour Inspectorate and the Market Inspectorate (see paragraphs 56 and 57). They are not part of the Standard Operative Procedures set up in 2009, but pursuant to the new National Action Plan, it is planned to include them among the actors involved in the identification of victims of THB.

112. The processing of asylum applications is the responsibility of the Asylum Office which was set up as part of the Ministry of the Interior following 2015 amendments to the Rulebook on the Internal Organisation and Job Classification within the Ministry of the Interior. As per Article 15 of the Law on Asylum, the procedure should take into account the specific situation of asylum seekers with special needs.³⁵ In cases of suspecting that a person may be a victim of THB, the officer conducting the interview should notify his/her immediate superior, the Head of the Asylum Office, the National Anti-trafficking Co-ordinator and the Centre for the Protection of Victims of Trafficking.

113. According to the report "Vulnerability and exploitation along the Balkan route: Identifying victims of human trafficking in Serbia", published by the Norwegian Fafo Institute for Labour and Social Research in 2017, on the basis of research undertaken in collaboration with the NGOs Atina and Centre for Youth Integration, different patterns of human trafficking have been observed in Serbia. In some cases, migrants were subjected to human trafficking before they migrated or fled as refugees. Others were exposed to trafficking at several points along their journey, finding themselves without protection and in unsafe conditions, including in informal and formal refugee camps. Migrants are also vulnerable to exploitation in settings where they have been "stranded" or unable to move on because they lack resources to pay smugglers or others to help them to continue their journey, a vulnerability that is exacerbated by their irregular status and inability to seek protection from exploitation from authorities.³⁶ According to the public authorities, out of 10 000 people who declared their wish to apply for asylum in Serbia, only 500 actually applied. Some 8 000 migrants are currently stranded in Serbia as they can no longer move onwards to the EU since Croatia, Hungary and Slovenia have closed their borders. The majority are reportedly reluctant to provide information suggesting they may be victims of trafficking as this could hinder them from reaching their final destination in an EU country.

³⁵ Such persons include children, persons fully or partially deprived of legal capacity, children separated from their parents or legal guardians, disabled persons, elderly persons, pregnant women, single parents with under-age children or persons who were exposed to torture, rape, or other serious forms of psychological, physical or sexual violence.

³⁶ Anette Brunovskis and Rebecca Surtees, Vulnerability and exploitation along the Balkan route: Identifying victims of human trafficking in Serbia, Fafo, 2017. Available at: <http://www.fafo.no/index.php/nb/zoo-publikasjoner/fafo-rapporter/item/vulnerability-and-exploitation-along-the-balkan-route-2>

114. According to the authorities, three persons were identified as victims of THB among migrants in Serbia in 2015-2016. In the course of 2017, the Centre for the Protection of Victims of Trafficking identified an asylum seeker referred from one of the reception centres as a victim of THB and the person was referred to the NGO Atina for assistance.

115. The reception and accommodation of migrants and asylum seekers is the task of the Commissariat for Refugees and Migration. Currently the Commissariat operates 18 reception centres, of which 13 were set up in an effort to respond to the urgent migration situation, with the number of migrants increasing from 16 500 to 579 518. By 10 October 2017 reception centres accommodated a total of 3 851 migrants, the average length of stay being of more than 200 days. According to the authorities, staff of reception centres are instructed to contact the Centre for the Protection of Victims of Trafficking in case of detecting possible victims of trafficking, but during the migration peak it was not possible to secure a proper screening of migrants owing to the high numbers and the very short time they stayed at the reception centres before moving on.

116. Staff of asylum reception centres are trained on how to co-operate with international organisations and NGOs in the protection of vulnerable migrants, identify potential victims of THB and prevent cases of gender-based violence. Thus 37 asylum officials participated in a total of 18 local and international training sessions and seminars in the course of 2016-2017 on issues relating to THB, identification of victims of THB among migrants, support to unaccompanied foreign children, identification of persons with special needs, including victims of THB, interviewing vulnerable migrants, detecting cases of smuggling of migrants and assisting vulnerable migrants. The Serbian authorities plan to increase the number of staff in the Asylum Office and new officers will receive training on working with vulnerable categories of persons.

117. While welcoming the fact that the identification of victims of trafficking in Serbia remains disconnected from the criminal investigation into THB cases, GRETA considers that the Serbian authorities should take additional steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:

- encouraging law enforcement officials, labour and market inspectors, social workers, asylum officials, NGOs and other relevant actors adopt a more proactive approach and increase their outreach work to detect victims of human trafficking for different forms of exploitation;
- increasing the involvement of specialised NGOs in the identification of victims of trafficking and strengthening multi-disciplinary co-operation between all relevant partners;
- paying increased attention to detecting victims of trafficking among migrants and asylum seekers;
- providing sufficient staff and resources to the Centre for the Protection of Victims of Trafficking to enable it to carry out timely identification of victims of trafficking.

b. Assistance measures (Article 12)

118. In its first evaluation report, GRETA urged the Serbian authorities to step up their efforts to provide assistance to victims of trafficking and to ensure that all assistance measures provided for in law are guaranteed in practice, including appropriate and safe accommodation with a sufficient number of places for victims of trafficking and access to public health care for victims of trafficking. GRETA stressed that the services available should be adapted to the specific needs of trafficking victims, men and children included, and that minimum standards be guaranteed when victims of trafficking are accommodated in structures not specifically designed for them. Further, the reintegration of victims of trafficking into society should be strengthened by providing them with long-term assistance, including vocational training and access to the labour market.

119. As explained in GRETA's first report, Article 41 of the Law on Social Protection recognises trafficked persons as beneficiaries of social protection services without having to prove that they are in social need, whereas Article 206 specifies that the accommodation of trafficked persons should be financed from the State budget. Further, as noted in paragraph 15, the 2014 Law on Employment of Foreigners introduces the right of foreign victims of THB to be granted a work permit for the duration of their residence permit. GRETA welcomes this development.

120. The Centre for Protection of Victims of Trafficking is responsible for establishing victims' needs and referring them to assistance, which includes accommodation, psychological and financial assistance, counselling, information, medical assistance, access to education, the labour market and vocational training. The Centre draws up a personal rehabilitation plan on the basis of an assessment of victim's needs, in consultation with other stakeholders. Assistance is provided mainly by NGOs and centres for social work which run shelters for victims of domestic violence. As already mentioned in GRETA's first report, the Rulebook on Minimum Conditions and Standards of Provision of Social Protection Services, in force since 22 May 2013, governs the standards of social protection services and the conditions for providing accommodation and assistance to victims of THB.

121. Serbia still does not have a specialised shelter for victims of trafficking. The shelter of the Centre for the Protection of Victims of Trafficking, which was expected to be opened in 2014, is still not operational due to the need to complete the procedure for transferring ownership over the building before obtaining permission for construction work necessary for adapting and refurbishing the building. It is planned that the shelter would accommodate six women and girls above 16 years of age.

122. To establish nation-wide standards of services provided to victims of trafficking, the authorities have recently introduced mandatory licensing of bodies and organisations wishing to provide services to victims of THB. Such licenses have been obtained by centres for social work, in particular those in Sremska Mitrovica, Leskovac, Sombor and Zrenjanin. The GRETA delegation visited a shelter for women victims of domestic violence and human trafficking in Sremska Mitrovica, opened in March 2016. The shelter is located in a recently refurbished house, offering good living conditions. It can accommodate up to 20 women (as well as any children they may have). Since its opening, the shelter has accommodated one female victim of human trafficking. The staff comprises a social worker, a psychologist and educators for children with special needs, who are assisted by child specialists and volunteers. The address of the shelter is kept confidential. The services provided in the shelter are funded by the local authorities of Sremska Mitrovica and the Ministry of Labour, Veterans and Social Affairs to the amount of approximately €24 000, while the accommodation costs of €7 per night for victims of THB are covered by the municipality of the victim's habitual residence.

123. The NGO Atina continues to provide accommodation for Serbian women victims of trafficking in a transition house, which is funded by donors.³⁷ GRETA was informed that this NGO was expecting to obtain a license for providing services to victims of THB, which would allow it to receive state funding. The NGO Atina also operates four safe houses for victims of trafficking, gender-based violence and sexual abuse among refugees and migrants, three of which are for women and one for men, with an overall capacity of 20 places. Further, it has opened a bakery which provides employment to victims of trafficking (in 2016 is provided jobs to 22 persons).

124. On 15 January 2016 the Centre for the Protection of Victims of Trafficking and the NGO Astra signed a Memorandum on Co-operation on the identification and assistance of victims of THB, defining the principles of co-operation and setting out the roles and procedures in detecting, identifying and assisting victims of trafficking.

125. GRETA was informed that following the introduction of the licencing procedure for service providers financed by the state budget, the referral of victims of THB to specialised NGOs has considerably decreased as they are more often transferred to centres for social work. In this connection, concerns were raised that staff of centres for social work, while having a broad knowledge and expertise in the field of social protection, lack specialist knowledge on working with trafficking victims and do not have sufficient human resources to provide the range of assistance measures needed by such victims. The Serbian authorities have affirmed that the introduction of licensing of service providers did not lead to a decrease in referrals of victims of THB to specialised NGOs and that victims of THB were referred only to those centres for social work which had a shelter for victims of domestic violence and victims of trafficking and were licensed.

126. There continue to be no state-funded accommodation facilities for male victims of trafficking who can reportedly be placed in institutions for elderly persons (homes and gerontology centres).

127. According to the authorities, presumed and identified victims of trafficking who are foreigners have the same right of access to services as Serbian victims of THB. They are entitled to adequate accommodation, psycho-social support, legal representation, health care and other assistance in accordance with their needs.

128. GRETA once again urges the Serbian authorities to take steps to improve assistance to victims of trafficking, in particular by:

- ensuring that specialised support and services are provided to victims of trafficking;
- guaranteeing the availability of appropriate and safe accommodation with a sufficient number of places for victims of trafficking, including men;
- providing adequate financing for services delivered by specialised NGOs;
- facilitating the reintegration of victims of trafficking into society, including by providing them with vocational training, and ensuring adequate resources the services assisting them in their integration.

129. GRETA also invites the Serbian authorities to keep under review the impact of the licensing procedure for service providers on the quality and range of the services provided.

³⁷ See paragraph 167 of the GRETA's first report on Serbia.

c. Identification and assistance of child victims of THB (Articles 10 and 12)

130. The identification of child victims of trafficking falls within the responsibilities of the Centre for the Protection of Victims of Trafficking. No separate guidelines or operating procedures are in place for the identification of child victims of and the Centre applies the Standard Operative Procedures for the identification of victims of THB, which were last updated in 2016.

131. As indicated in paragraph 12, in 2013-2016, a total of 94 children (78 girls and 16 boys) were identified as victims of trafficking for different forms of exploitation.

132. The Law on Social Protection recognises children victims of trafficking in human beings as beneficiaries of social protection services. Child victims of trafficking have the right to health care and education. According to the authorities, when deciding on the assistance to a child victim of trafficking, the responsible centre for social work and the Centre for the Protection of Victims of Trafficking will determine where the child should be accommodated, on the basis of a joint assessment of the best interests of the child. Currently, there are no specialised shelters for child victims of trafficking in Serbia. Accommodation options include shelters within centres for social work, homes for children without parental care and foster families. GRETA was informed that a shelter for child victims of trafficking was under construction in Novi Sad.

133. There were an estimated 670 to 800 unaccompanied children in Serbia in March 2017. The Serbian authorities are concerned by the risks faced by unaccompanied children and have referred to attempts by traffickers to recruit migrant girls for the purpose of sexual exploitation. According to the authorities, in 2016, out of 35 notifications of possible trafficking cases among migrant children, one Afghan girl was identified as a victim of trafficking (for the purpose of labour exploitation and forced marriage in Afghanistan) and 29 boys were considered as being at risk of being trafficked. The boys in question were interviewed with a view to being identified as victims of THB and were provided with assistance during their short stay in Serbia.

134. To improve the identification of possible victims of trafficking among migrant and asylum seeking children, Standard Operating Procedures for the Protection of Refugee/Migrant Children were published in March 2016 as part of the project entitled "Strengthening the child protection system in Serbia to respond to the needs of refugee/migrant children at high risk". The project was implemented in partnership with the NGO Ideas, the Ministry of Labour, Employment, Veteran and Social Affairs, UNICEF, UNHCR and the Centre for the Protection of Victims of Trafficking. These Standard Operating Procedures cover the preliminary identification of children at risk, assessment and determination of the best interests of the child and protection through temporary guardianship. A dedicated manual was developed to ensure the application of these procedures and training was provided to NGOs and centres for social work to enhance their knowledge and facilitate the application of the Standard Operating Procedures.

135. Unaccompanied or separated foreign children can be accommodated in the Institutes for Education of Children and Adolescents in Belgrade and Niš (each of which has a centre for unaccompanied children), as well as in shelters run by centres for social work, homes for children without parental care and foster families. The centre in Belgrade has accommodated 540 foreign children since its opening in 2009 and currently holds 13 such children. Since its opening in 2011, the centre in Niš has accommodated a total of 420 foreign children, including 29 in the course of 2017.

136. A twinning project entitled "Support to the national asylum system in the Republic of Serbia" envisages the preparation of a manual for the treatment of unaccompanied asylum-seeking children, intended for the staff of the Asylum Office and Commissariat for Refugees and Migration. With the assistance of NGOs, children are provided with interpreters, legal aid for their asylum applications, psycho-social support, education and leisure activities.

137. GRETA was informed that if the age of a person is not known, but there are reasons to believe that he/she has not reached 18, there is a presumption that the person is a child. There is no formalised age assessment procedure in Serbia. Concerns were expressed by various interlocutors during the visit that migrants claiming to be children were often not recognised as such when trying to cross the border under the regulations of neighbouring countries. GRETA considers that the Serbian authorities should adopt a regulatory framework with evidence-based age assessment procedure, which ensures the presumption that a person is a child until he/she is not proved to be adult (as required by Article 10, paragraph 3, of the Convention) and the effective protection of the best interests of the child, taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child.³⁸

138. GRETA urges the Serbian authorities to take further steps to improve the identification and assistance of child victims of trafficking, and in particular to:

- intensify their efforts to identify victims of trafficking among unaccompanied and separated foreign children in reception centres for migrants and asylum seekers, other facilities and outside any formal facilities;
- provide adequate assistance and services adapted to the needs and the rights of child victims of trafficking;
- provide further training to all stakeholders (police, migration and asylum authorities, centres for social work, NGOs, health care and education professionals) as well as guidance for the identification of child victims of THB.

d. Protection of private life (Article 11)

139. The Serbian authorities have referred to Article 42 of the Constitution which guarantees the protection of personal data. The use of personal data beyond the scope for which it is collected is prohibited, except for the needs of conducting criminal proceedings or in order to protect of security of the State, in accordance with the relevant legislation.

140. The data collected by the Centre for the Protection of Victims of Trafficking falls within the scope of protection set out by the Law on Personal Data Protection. The internal rules of procedure of the Centre provide for the protection of personal data of the victim. Staff of the Centre inform victims about their obligation to report a criminal offence to the law enforcement authorities without disclosing the personal information of victims. The latter can take an informed decision whether to co-operate in the criminal proceedings and disclose their personal data or not.

141. Article 5 of the Code of Ethics of Serbian Journalists prescribes that journalists shall observe and protect the right and dignity of children, victims of crime, disabled persons and other vulnerable groups. Article 7 of this Code of Ethics prescribes that, when reporting about accidents and criminal offences, it is not allowed to publish names and photos clearly identifying either the victim or the perpetrator. It is not allowed to publish any information which could indirectly disclose the persons' identity before such information is officially communicated by the competent authority. The Radio and Television of Serbia has issues a recommendation for journalists to interview children only with the consent of their parents and to hide the identity of any child victims or perpetrators of offences.

³⁸

[General Comment No. 6 Treatment of unaccompanied and separated children outside their country of origin](#), Committee on the Rights of the Child, Thirty-ninth session, 17 May - 3 June 2005.

142. However, representatives of NGOs informed GRETA that even though victims of trafficking are entitled to protection of their identity and private life, in practice the observance of the above-mentioned provisions is not always satisfactory. They gave examples of cases where the names of victims were mentioned by the media or images were shown on television, as well as cases where the names and addresses of victims were disclosed in the course of the criminal proceedings, as well as information on the victims' health status (mental health, pregnancy, inflicted injuries or illnesses). According to the Serbian authorities, in two of these cases publication was interrupted owing to the efforts of the Centre for the Protection of Victims, and in one case information published in the electronic media was taken down. The Centre concluded an agreement with journalists' associations on the need to raise the awareness of journalists on ethical standards when reporting on victims of violence, especially children. GRETA considers that the Serbian authorities should take additional measures to prevent making the names and addresses of victims of trafficking publicly available.

e. Recovery and reflection period (Article 13)

143. In its first evaluation report, GRETA urged the Serbian authorities to review the legislation in order to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law and that all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention are made available during this period.

144. There is still no provision on the recovery and reflection period in Serbian legislation. The Serbian authorities continue to follow the Instruction on the implementation of the Law on Foreigners, issued by the Minister of the Interior on 14 July 2009, which provides that foreign nationals identified as victims of trafficking by the Centre for the Protection of Victims are granted temporary residence on humanitarian grounds. GRETA notes that the authorities apply this provision as equivalent to both the recovery and reflection period and the temporary residence permit in the meaning of the Convention.

145. According to the information provided by the authorities, in the period 2013-2016, temporary residence for humanitarian reasons was granted to four women victims of THB for the purpose of sexual exploitation, three girls victims of THB for the purpose of forced marriage, and one girl victim of THB for the purpose of exploitation for begging. It is not clear whether these temporary residence permits were issued by way of granting a recovery and reflection period or a residence permit in the meaning of the Convention.

146. GRETA was informed that in the draft Law on Foreigners (see paragraph 17), there is a provision (Article 62) which envisages that a foreign national in respect of whom the Centre for the Protection of Victims of Trafficking has initiated the identification procedure is to be provided with a temporary residence permit with a duration of up to 90 days. During this period, no decisions on return may be made and presumed victims of trafficking shall have access to appropriate and secure housing, psychological and material assistance, access to urgent medical treatment, and access to education for children.

147. Noting that domestic law must comply with international obligations, GRETA once again urges the Serbian authorities to ensure, in compliance with Article 13 of the Convention, that all presumed foreign victims of trafficking are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.

f. Residence permits (Article 14)

148. In its first report, GRETA urged the Serbian authorities to ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, including when they are unable to cooperate with the authorities.

149. Pending the adoption of the new Law on Foreigners, Article 28 of the current Law on Foreigners provides that a foreigner who is a victim of trafficking in human beings shall be issued a temporary residence permit of at least six months if that is in the interest of conducting criminal proceedings, except for reasons of public order and security and when there are reasonable grounds to believe that a stay will not be used for the intended purpose. Pursuant to Article 29 of the Law on Foreigners, temporary residence may be granted for the duration necessary for the victim's participation in criminal proceedings. The Instruction on the implementation of the Law on Foreigners provides that a temporary residence permit granted to a victim of trafficking may be extended, if the grounds persist, as follows: up to six months if the person co-operates with the authorities in disclosing criminal offences, up to one year if the person takes an active part in the court proceedings as a witness or injured party, as well as for reasons of personal safety.

150. Pursuant to Article 63 of the draft Law on Foreigners, a temporary residence permit shall be granted to victims of trafficking in human beings, including child victims, on one of the following conditions: i) the Centre for the Protection of Victims of Trafficking deems the stay necessary due to the victim's personal situation; ii) the court, prosecutor's office or police deem the stay necessary for the victim's co-operation in the criminal proceedings.

151. GRETA considers that the Serbian authorities should ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, without prejudice for the right to seek and enjoy asylum.

152. Further, GRETA invites the Serbian authorities to grant temporary residence permits to victims of THB on the basis of their personal situation, in addition to permits on the basis of the victim's co-operation in the investigation or criminal proceedings.

g. Compensation and legal remedies (Article 15)

153. In its first evaluation report, GRETA urged the Serbian authorities to adopt measures to facilitate access to compensation for victims of trafficking and to set up a State compensation scheme accessible to victims of THB, regardless of their nationality and residence status.

154. Access to compensation for victims of trafficking in Serbia has remained unchanged since the first evaluation by GRETA.³⁹ According to Serbian legislation, a victim of THB may seek compensation for damages in criminal or civil proceedings. Chapter XII of the Criminal Procedure Code (CPC) entitled "Restitution claims" governs the issues relating to compensation within criminal proceedings. The opening article of that Chapter (Article 252) states that "a claim for restitution which arose as a result of the commission of a criminal offence or a wrongful act designated by law as a criminal offence will be considered on a motion by an authorised person conducting the criminal proceedings if the proceedings would not be substantially prolonged thereby." In practice, this results in systematic referral by criminal courts of victims of trafficking to pursue their compensation claims in civil proceedings, which are lengthy, costly and thus discouraging for victims of trafficking. Representatives of the judiciary confirmed that access to compensation remains an unresolved problem to victims of all crimes in Serbia, including victims of trafficking.

155. In the absence of a free legal aid law in Serbia, instructions are given to judges and prosecutors to treat victims of trafficking as especially vulnerable, which would make them eligible for legal aid under the CPC. An informal network of lawyers specialised on representing victims of trafficking was established in 2009 upon a joint initiative of the NGO Astra and the Netherlands Helsinki Committee. This network currently involves some 31 lawyers. GRETA was informed by specialised lawyers that legal aid for claiming compensation is possible if the victim does not have sufficient resources. Specialised NGOs may also represent victims of trafficking during civil proceedings, including compensation claims.

³⁹ See paragraphs 193-195 of GRETA's first evaluation report on Serbia.

156. According to GRETA's interlocutors, victims usually do not claim compensation because they are either not informed about this possibility or prefer to see criminal proceedings ended as soon as possible. In the opinion of lawyers representing victims of trafficking, no legal amendments are necessary to increase the effectiveness of access to compensation. According to them, a possible solution to enable criminal courts to assess damages to be compensated could be to apply the existing table for determining non-material damages, used in civil proceedings, to criminal cases. This would eliminate the need for a separate expert evaluation of these damages.

157. The authorities informed GRETA that during the reporting period, there was only one case where compensation was paid to a victim of THB. In 2014 the Novi Sad Appellate Court confirmed the civil procedure ruling by the Novi Sad Basic Court, whereby four persons convicted of THB had to pay the victim compensation for non-pecuniary damages (psychological pain in the amount of €8 000).

158. No progress has been made on setting up a State compensation scheme accessible to victims of trafficking. As noted in paragraph 45, in 2015, the NGO Astra conducted a feasibility study regarding the setting up of a compensation fund for victims of crime and possible sources of its financing. The Working Group, which included experts from courts, the Prosecutor's Office and academia, drafted on the basis of the findings of this study a Model Law on Compensation of Victims of Violent Crimes. In the framework of the previously mentioned "Horizontal Facility for Western Balkans and Turkey", the Council of Europe organised on 9 November 2017 in Belgrade a round-table meeting on good practices for establishing a State compensation scheme accessible to victims of trafficking in human beings. The objective of this round-table was to discuss models of State compensation accessible to victims of trafficking in human beings or specifically set up for such victims, and the modalities for setting up of such a scheme in Serbia.

159. GRETA once again urges the Serbian authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking, including by:

- ensuring that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;
- enabling victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials and the judiciary;
- encouraging prosecutors to request compensation orders to the largest possible extent and judges to consider compensation claims in criminal proceedings;
- making full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of THB;
- setting up a State compensation scheme for victims of THB, regardless of their nationality and residence status.

h. Repatriation and return of victims (Article 16)

160. In its first evaluation report, GRETA considered that the Serbian authorities should take further steps to ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the person and the status of legal proceedings, which implies protection from retaliation and re-trafficking.

161. Serbian consulates abroad are the first points of contact for Serbian victims of trafficking who often have no personal identity documents. Consulates provide assistance in obtaining such documents and in the victims' return to Serbia. GRETA was informed that the Serbian consular authorities have observed an increase in cases of alleged labour exploitation of Serbian nationals in the Russian Federation and the Slovak Republic.

162. According to information provided by the authorities, during the reporting period, 18 Serbian victims of trafficking (all women) were repatriated from Austria, Croatia, Italy, France, Germany, Switzerland and "the former Yugoslav Republic of Macedonia". The Centre for the Protection of Victims of Trafficking had no information about any Serbian victims of trafficking returned to Serbia against their will.

163. GRETA was informed by representatives of NGOs about the increased number of returns of Serbian nationals from EU countries (notably Germany), on the basis of the readmission agreement between the EU and Serbia. The Serbian authorities confirmed that a total of 2 917 persons were returned to Serbia in 2017 on the basis of the Readmission Agreement between the EU and Serbia, the majority of them from Germany. In case indications appear during the interview that the person included in the readmission procedure is a victim of trafficking, the foreign competent body is advised to notify the relevant Serbian authorities in order to co-ordinate protection measures for such persons. Following the reception and registration of the returnees by the Commissariat for Refugees and Migration, they are issued with a leaflet⁴⁰ with information about their rights and contact details of local administration bodies. The Commissariat for Refugees and Migration regularly issues public calls for projects aimed at the reintegration of returnees.⁴¹

164. As regards victims of trafficking returned to their countries from Serbia, they included three women (from the Czech Republic, the Russian Federation and Thailand) and four girls (from "the former Yugoslav Republic of Macedonia", Albania and Montenegro). According to the Serbian authorities, co-ordination of the voluntary return of presumed victims or victims of trafficking is carried out in co-operation among several competent bodies, including the Centre for the Protection of Victims of Trafficking, the police and centres for social work. Further, embassies and consular representations of countries of which the returning persons are nationals, law enforcement authorities and social services of these countries are also involved. The return of child victims is reportedly preceded by security checks and verification of their family situation.

165. GRETA is concerned by reports that some unaccompanied and separated children have been returned from Serbia to other countries, pursuant to readmission agreements, without an assessment of their best interests and without being informed, in a language they can understand, of their right to seek asylum.⁴² The Serbian authorities have affirmed that Serbia undertakes all necessary measures to safeguard the best interests of the child. The procedure for the interaction of border police officers with unaccompanied children requires involving a police officer certified to work with children, after which further activities are carried out in the presence of an employee from the centre for social work. The latter issues a decision to appoint a temporary guardian to the child concerned. The temporary guardian or an employee of the centre for social work is present during the readmission procedure of an unaccompanied child.

⁴⁰ Available in five languages: Serbian, Romani, Albanian, German and English.

⁴¹ This includes, for instance, aid to complete or adapt housing through procurement of construction material, funding to purchase village households with plots of land, funding for obtaining of goods and materials to initiate, develop and enhance activities in agricultural, artisanal, service or other industry.

⁴² [Concluding observations on the combined second and third periodic reports of Serbia](#) adopted at the seventy-fourth session of the Committee on the Rights of the Child (16 January - 3 February) and made public on 7 March 2017.

166. GRETA considers that the Serbian authorities should continue to take steps to ensure that the return of victims of THB is conducted with due regard to their rights, safety and dignity, is preferably voluntary, complies with the obligation of *non-refoulement* and the right to seek and enjoy asylum, and in the case of children, fully respects the principle of the best interests of the child. In this context, the authorities should continue to develop co-operation with countries of origin of victims in order to ensure comprehensive risk and security assessment (Article 16(7) of the Convention) and safe return of the victims, as well as their effective reintegration on return. Full consideration should be given to the UNHCR's guidelines on the application of the Refugees Convention to trafficked people.⁴³

3. Substantive criminal law

a. Criminalisation of THB (Article 18)

167. Since GRETA's first evaluation, no amendments have been made to the definition of THB in Article 388 of the CC, which reads as follows:

"Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in a sale, hides or holds another person with intent to exploit the person's labour, forced labour, commission of offences, prostitution or other forms of sexual exploitation, begging, pornography, establishment of slavery or similar relationship, removal of organs or body parts or service in armed conflicts, shall be punished by imprisonment of three to 12 years".⁴⁴

168. The Serbian authorities have indicated that the need to amend Article 388 of the CC would be analysed during the TAIEX workshop on harmonisation of the national legislation with Directive 2011/36/EU, expected to take place by the end of 2017, with the assistance of the EU experts. GRETA would like to be kept informed of the results of this assessment.

169. According to the authorities, the term "abuse of difficult circumstances of another" is construed to cover "abuse of a position of vulnerability". The criteria used for assessing "difficult circumstances" cover the person's economic situation, history of violence (psychological, physical, sexual), substance abuse and social exclusion. The authorities have provided summaries of recent court cases by way of example of THB committed by means of abuse of a position of vulnerability.⁴⁵

⁴³ <http://www.unhcr.org/publ/PUBL/443b626b2.pdf>

⁴⁴ Unofficial translation provided by the Serbian authorities.

⁴⁵ Abuse of a position of vulnerability was among the means used in at least three cases referred to by the authorities (see Appendix 1 on pages 75 - 85 of the Serbian reply to GRETA's questionnaire). These include an internal trafficking case for the purpose of domestic servitude and labour exploitation of children, where a 10 years' imprisonment sentence against the perpetrator was handed down by the High Court of Vranje on 25 March 2014; a transnational trafficking case, where the offence was committed by an organised criminal group for the purpose of sexual exploitation of adults and children and four perpetrators were sentenced respectively to 14, 12, 10 and 10 years' imprisonment terms by the High Court of Belgrade; and an internal trafficking case for sexual exploitation of a child, where the perpetrator was sentenced to three years and six months' imprisonment by the High Court of Belgrade on 18 February 2014.

170. The aggravating circumstances provided for in Article 388, paragraphs 3, 4, 5, 6 and 7, of the CC include trafficking of children (punishable by at least five years' imprisonment), trafficking resulting in a serious bodily injury (five to 15 years' imprisonment), trafficking resulting in the death of one or more persons (at least 10 years' imprisonment), repeated trafficking offence or trafficking by a group (at least five years' imprisonment), and trafficking by an organised group (at least 10 years' imprisonment). As indicated in the first GRETA report, when a criminal offence of THB is perpetrated by a public official in the performance of his/her duties, charges are brought under two articles: trafficking in human beings under Article 388 of the CC and abuse of office under Article 359 of the CC. According to the authorities, no such cases were recorded during the reporting period (2013-2016). GRETA considers that the Serbian authorities should ensure that all the aggravating circumstances included in the Convention are appropriately taken into account.

171. Article 388 of the CC includes forced begging as a form of exploitation. The authorities have referred to a case of internal trafficking where a man forced his wife and daughter to beg and took away all the money. In a judgment of 16 April 2014, the High Court of Novi Sad sentenced the perpetrator to six years' imprisonment. In addition, the authorities referred to a judgement of the Higher Court of Pančevo of 23 March 2012 in which a person who exploited a child in begging was convicted of THB and child neglect and sentenced to five years' imprisonment.

172. Pursuant to Article 388, paragraph 1, of the CC, forcing a person to commit a criminal offence is one of the forms of exploitation. During the reporting period, several cases of victims of THB forced to commit criminal offences, such as theft and drug dealing, were identified.

173. In June 2017, a new Article 187a of the CC entered into force, making forced marriage a separate criminal offence. No criminal proceedings have been initiated so far under this article.

174. As noted in the first GRETA report on Serbia, Article 389 of the CC criminalises trafficking in children under 16 years of age for adoption.⁴⁶ This provision has not been amended and leaves children above the age of 16 beyond its scope of application. GRETA once again considers that the Serbian authorities should make the necessary amendments to this Article which would guarantee its application to all children, i.e. persons below 18 years of age (according to the Convention).

b. Criminalisation of the use of services of a victim (Article 19)

175. As already mentioned in GRETA's first report, the use of services of trafficked persons was criminalised in 2009 through Article 388, paragraph 8, of the CC. According to the authorities, in the period 2014-2017, convictions were handed down in two cases under this provision, one by the High Court in Novi Pazar, where a person was sentenced to three years' imprisonment, and one by the High Court in Novi Sad, where two persons were sentenced, respectively to four years' and one and a half year's imprisonment (both sentences were suspended). GRETA welcomes the practical application of this provision and invites the Serbian authorities to disseminate information about it and to promote its application in practice.

⁴⁶ Defined as abducting a person less than 16 years of age for the purpose of adoption contrary to the laws in force, mediating in such adoption, buying, selling, handing over, transporting, accommodating or concealing such a person for that purpose.

c. Corporate liability (Article 22)

176. The legal provisions concerning corporate liability have not changed since GRETA's first evaluation. As noted in the first evaluation report, the 2008 Law on the Liability of Legal Entities for Criminal Offences is applicable to Serbian and foreign legal entities responsible for criminal offences in Serbia, foreign legal entities committing offences on the territory of a foreign country which damage Serbia or a Serbian national or legal entity, and Serbian legal entities committing offences abroad. Pursuant to Article 13 of this law, the sanctions include a fine and termination of the status of legal entity. Further, the law allows for the prohibition of practicing activities and operations, confiscation of instrumentalities and publication of the judgment. According to the authorities, no legal persons were convicted for the offence of THB during the reporting period. GRETA invites the Serbian authorities to keep under review the application of the corporate liability provisions in THB cases with a view to ensuring that they are effectively applied in practice.

d. Non-punishment of victims of THB (Article 26)

177. In its first report, GRETA considered that in order to strengthen the implementation of the non-punishment provision of the Convention, the Serbian authorities should take legislative measures allowing for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as well as issue guidance to public prosecutors advising them on the steps to be taken when prosecuting suspects who might be victims of trafficking.

178. The legislative situation as regards the non-punishment of victims of trafficking has not changed since the first evaluation.⁴⁷ As noted in the first report, Serbian legislation does not contain a specific provision allowing not punishing victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. The Serbian authorities have referred to provisions of the CC which establish the general principle that there is no criminal offence without an unlawful act or culpability, regardless of the presence of elements of crime, as well as provisions excluding criminal liability for offences committed under irresistible force and setting out mitigating circumstances. In addition, the Law on Misdemeanours (Article 15) stipulates that a misdemeanour committed under force or under threat would not be considered as such. Further, the Law on Foreigners and the Instruction on its implementation contain provisions requesting the competent authorities to establish the circumstances of a person who entered Serbia illegally or if his/her stay is irregular, excluding or reducing the criminal or administrative responsibility in case the person was identified as a victim of trafficking.

179. GRETA was informed that in the course of 2016 a working group consisting of a judge from the Supreme Court of Cassation, the Deputy Public Prosecutor and a Professor of the Academy of Criminalistics and Police Studies prepared guidelines on the implementation of the non-punishment principle with regard to victims of human trafficking. The guidelines, entitled "Legal framework and recommendations for implementation of the non-punishment principle with regard to victims of trafficking in the Republic of Serbia" summarise the legal basis for the non-punishment of victims of trafficking in international law and the legal basis and challenges for applying this principle in Serbia, and provide specific recommendations and guidelines for judges, prosecutors and police officers. According to the authorities, the guidelines were distributed to representatives of the judiciary and the police at seminars held in Niš, Kragujevac, Novi Sad and Belgrade. GRETA welcomes the issuing of these guidelines and invites the Serbian authorities to continue their dissemination to all relevant professionals, in particular police officers, prosecutors and judges, and to provide them with regular training concerning the effective implementation of the non-punishment principle.

⁴⁷ See paragraph 212 of GRETA's first evaluation report on Serbia.

180. GRETA was informed of a recent case where a victim of trafficking for sexual exploitation was forced to recruit other women under threats from traffickers concerning her child. The Higher Prosecutor Office of Novi Sad dropped the charges against the woman concerned, basing his decision on Article 26 of the Council of Europe Convention.⁴⁸ GRETA welcomes the direct application of the Convention's non-punishment provision in national law and invites the Serbian authorities to spread knowledge about relevant case law.

181. GRETA invites the Serbian authorities to keep the implementation of the non-punishment principle under review so as to determine whether legislative amendments are not necessary to achieve its objectives, as set out by Article 26 of the Convention.

4. Investigation, prosecution and procedural law

a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)

182. A new Law on the Police was adopted in January 2016. The on-going reform of the Ministry of the Interior involves moving the investigation of human trafficking offences from the Border Police Directorate to the Criminal Police Directorate. There will be one central unit for combating THB and people smuggling within the Criminal Police Directorate, with 20 staff, as well as at least two police officers in every police precinct who would have combating THB among their tasks. The central unit would consist of three sections, dealing respectively with coordination, analysis and prevention of THB, combating THB, and combating human smuggling.

183. On 4 April 2016 the Public Prosecutor's Office and the Ministry of the Interior signed a Memorandum on Co-operation on Combating Human Smuggling, pursuant to which a Task Force was established on 26 September 2016 to co-ordinate joint activities. One of the goals of the Memorandum is to identify victims of THB in human smuggling chains and other criminal offences committed by criminal groups.

184. GRETA was also informed of the recent adoption of a directive for prosecutors, requiring them to contact specialised prosecutors and specialised NGOs when a THB case is under investigation.

185. As already mentioned in GRETA's first report, the use of special investigation techniques is regulated by Article 161 of the CPC, which provides for the following techniques: covert interception of communication, secret surveillance and recording, simulated deals, computer search of data, controlled delivery and use of undercover agents. Article 161 of the CPC establishes the list of criminal offences which may be investigated with the use of special investigation techniques, which include THB. All special investigation techniques may be used when investigating THB cases, except for controlled delivery and undercover agents, which are only allowed when investigating a criminal offence committed by an organised criminal group and are subject to a procedure of the public prosecutor's office with special competencies. The authorities have provided examples of cases on THB in which special investigation techniques (covert interception of communication) were used.⁴⁹

⁴⁸ Another example of a criminal case where the non-punishment principle was applied is enclosed in Appendix 1 of the reply of the Serbian authorities to GRETA's questionnaire for the second evaluation round. See pages 80-82 of the Reply to the questionnaire: <http://rm.coe.int/168063bdfa>

⁴⁹ A transnational trafficking case examined by the High Court of Belgrade, where the offence was committed by an organised criminal group for the purpose of sexual exploitation of adults and minors. Four perpetrators were convicted respectively to 14, 12, 10 and 10 years' imprisonment terms.

186. According to the authorities, when investigations into THB cases are conducted by the special prosecutor for the fight against organised crime, a parallel financial investigation is conducted to obtain evidence as regards the financial aspects of the offence in question. During the reporting period, there were three final convictions for human trafficking which involved seizure of assets: by the Higher Court of Kraljevo, leading to seizing of assets equivalent to € 11 300; by the Higher Court of Novi Pazar, resulting in seizing assets equivalent to € 49 400; and by the Higher Court of Subotica, resulting in seizing of property equivalent to € 800. However, despite the existence of a financial investigation unit within the Criminal Police Directorate, GRETA was informed that financial investigations were not systematically carried out in all cases of trafficking.

187. The authorities informed GRETA that investigations into trafficking offences were initiated against 71 persons in 2013, 23 in 2014, 32 in 2015 and 13 in 2016. In 2013, imprisonment sentences were handed down in respect of 45 persons and one person was given a suspended sentence; in 2014, imprisonment sentences were handed down to 16 persons and one person received a suspended sentence; and in 2015, imprisonment sentences were given to 11 persons. According to data provided by the Supreme Court of Cassation, from 1 January 2010 to 31 December 2016, there were 61 final convictions for THB pronounced by Serbian courts (including 23 by the High Court in Belgrade, six by the High Court of Pancevo, six by the High Court of Jagodina, four by the High Court in Kragujevac, and the remainder by other courts). Five persons were sentenced to more than 10 years' imprisonment, 28 persons to imprisonment of between 5 to 10 years, 38 persons to imprisonment of between three to five years, 23 persons to imprisonment of between one to two years, and six persons to imprisonment of between six months to one year.

188. GRETA has received reports about Serbian nationals working in a Samsung factory in Slovakia without contracts, for very low wages and in dire living conditions. Further, there have been reports about the alleged exploitation of Serbian workers at construction sites for the Sochi Winter Olympic Games (2014), with Serbian recruiters and transporters acting as subcontractors of Russian companies. The Serbian workers reportedly did not have work permits and were subject to blackmailing under the threat of being reported to the Russian immigration authorities. Criminal proceedings are under way at the Higher Public Prosecutor's Office in Čačak concerning alleged labour exploitation in relation to the Sochi Winter Olympic Games, involving one alleged perpetrator and 105 victims of THB as witnesses. In another case involving Serbian workers in Moscow, the Higher Public Prosecutor's Office in Šabac decided that there was not sufficient evidence to initiate criminal proceedings for THB; however, it was found that the employer had an outstanding debt with the employees, as they have not been paid for 10 to 12 days' work.

189. GRETA refers to the "SerbAz" case, dating back to 2009, which concerned a number of men from Bosnia and Herzegovina, Serbia and "the former Yugoslav Republic of Macedonia" who were allegedly subjected to labour exploitation in Azerbaijan.⁵⁰ Some 19 persons were interviewed in relation to this case by the Serbian police, but no confirmation of human trafficking was found. The Prosecutor's Office Special Department for Organised Crime of Bosnia and Herzegovina sent a request to the Higher Public Prosecutor's Office in Šabac to provide international legal aid, in particular by interviewing several persons in Serbia in the capacity of witnesses. The request was fulfilled and the required material was submitted to the Prosecutor's Office in Bosnia and Herzegovina, which continues criminal proceedings for the offences of organised crime, slavery and transport of slaves, unlawful withholding of identity papers and trafficking in human beings.

⁵⁰ See paragraph 223 of GRETA's first evaluation report on Serbia. The persons in question were recruited as construction workers by the company "SerbAz Project Design and Construction LLC" (registered in the Netherlands and Azerbaijan). According to a report by the NGO Astra, the persons concerned had had their passports taken away upon their arrival in Azerbaijan, had been accommodated in poor conditions and had not had their salaries paid. The GRETA delegation was informed that the Office for the Protection of Victims of Trafficking received information about the "SerbAz" case from the police on 22 October 2009.

190. GRETA notes that there was a significant decrease in the number of criminal investigations into cases of THB in 2016. In some instances trafficking offences were investigated, prosecuted and brought to court as other offences (such as mediation in prostitution, pursuant to Article 184 of the CC) carrying lesser penalties. Of particular concern is the lack of clarity as to whether a situation falls under the definition of THB in case a person is perceived to have agreed to work in exploitative conditions, even though Article 388, paragraph 10, of the CC explicitly states that the consent to exploitation or to the establishment of slavery or similar relationship has no bearing on the establishment of a THB offence. Offences of lesser gravity than THB may also allow the conclusion of plea-bargaining and reportedly in at least one case a victim of trafficking formally identified by the Centre for the Protection of Victims of Trafficking was not recognised as an injured party in criminal proceedings due to a requalification of the trafficking case.

191. GRETA considers that the Serbian authorities should take further steps to ensure that THB offences are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions, in particular by:

- ensuring that units investigating THB offences are properly resourced;
- encouraging prosecutors and judges to develop specialism in THB with a view to successfully prosecuting and convicting more traffickers;
- systematically carrying out financial investigations in order to locate, seize and confiscate the assets of the perpetrators.

b. Protection of witnesses and victims (Article 28 and 30)

192. In the first report, GRETA urged the Serbian authorities to make full use of the measures available to protect victims and witnesses of THB and to take additional measures to ensure that they are adequately protected from potential retaliation or intimidation in the course of judicial proceedings, including by reviewing the practice of direct confrontation of victims with suspected traffickers in court. GRETA also considered that the Serbian authorities should ensure that child victims of trafficking are afforded special protection measures, taking into account the best interests of the child.

193. The Law on the Protection Programme for Participants in Criminal Proceedings stipulates the terms and procedure for the provision of protection and assistance to participants in criminal proceedings (suspects, defendants, protected witnesses, witnesses, injured parties, court experts and professionals) and persons close to them whose lives, health, physical integrity, freedom or property is threatened because they have given evidence or information relevant for the establishment of proof in the criminal proceedings. Further, pursuant to Article 109 of the CPC, the court must ensure protection of witnesses or the injured parties from verbal abuse, threats and any other form of assault. In circumstances indicating a threat to a witness or to close persons as a result of giving public testimony, especially in criminal offences involving organised crime, corruption and other grave offences, including THB, the court may decide to accord such a witness the status of a protected witness, which would allow his/her to be interviewed without revealing his/her identity and be provided with security measures in the course of the trial.

194. Pursuant to Article 103 of the CPC, victims of trafficking can be categorised as “especially vulnerable witnesses” on the basis of their age, lifestyle, gender, state of health, the nature or consequences of the criminal offence committed, or other circumstances. This status enables victims to be assisted by a psychologist during questioning and prohibits cross-examination with the defendants. Lawyers assisting victims of trafficking and representatives of NGOs carrying out monitoring of court trials informed GRETA about the increased application in recent years of the status of “especially vulnerable witnesses” to victims of human trafficking, which has resulted in limiting the face-to-face examination (“direct confrontation”) of victims and defendants. GRETA welcomes the increased application of the status of especially vulnerable witness to victims of human trafficking. According to GRETA’s interlocutors, the highest level of victim protection in the course of criminal proceedings is provided by the Special Court for Organised Crime. However, this court only examines THB cases when the offence is committed as part of organised crime, which is seldom the case in Serbia.

195. However, GRETA was also informed that on some occasions, even when victims were considered as especially vulnerable witness, they had to testify in the same courtroom as traffickers and to wait for the beginning of the hearing in the same area. The authorities confirmed that such difficulties may arise due to the lack of separate premises at public prosecutor’s offices and courts for interviewing victims and witnesses.

196. As regards children, special measures for their protection in the criminal procedure are provided under the Law on Juvenile Offenders and Protection of Juveniles. In particular, this law states that a child recognised as an injured party may be interviewed more than twice only in exceptional cases and this interview may be conducted by transmitting questions through the judge, psychologist, pedagogue or other professional person, without the presence of the other participants in the proceedings. According to the authorities, such hearings are systematically recorded and the recordings are used during the proceedings when necessary. If a child is heard as a particularly vulnerable witness, a face-to-face meeting between the child and the accused is prohibited. GRETA was informed that three special premises (in Belgrade, Niš and Novi Sad) were in the process of being adapted for hearing children as vulnerable witnesses.

197. Article 66 of the CPC allows representatives of NGOs and victim support organisations to participate in criminal proceedings on the basis of a power of attorney of the injured party if these proceedings are open to the public. As noted in paragraph 155, a network of lawyers specialising on the representation of victims of THB, currently consisting of around 31 lawyers, was set up in 2009. Lawyers from this network have been trained on THB issues with the assistance of the Netherlands Helsinki Committee.

198. To improve the position of victims of crimes, Units for Injured Parties and Witness Information and Assistance have been set up at all Higher Public Prosecutor’s Offices, the Prosecutor’s Office for Organised Crime and the First Basic Public Prosecutor’s Office. Access of victims and witnesses to support services is provided in memoranda of co-operation with the NGOs Astra and Atina and the Victimology Society of Serbia.

199. GRETA considers that the Serbian authorities should:

- make full use of the available measures to protect victims and witnesses of THB and to prevent intimidation or re-traumatisation during the investigation and during and after the court proceedings, including through the use of video conferences and other suitable means to avoid face-to-face cross-examination (“direct confrontation”) of victims and alleged perpetrators, as well as and according to victims of trafficking the status of “especially vulnerable witnesses”;
- provide separate facilities and waiting areas for victims/witnesses and the accused;

- ensure the police officers, prosecutors, judges, staff of centres for social work engaged with children and persons acting as legal guardians are made aware of the particular vulnerability of child victims of trafficking. In this context, GRETA also refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.⁵¹

c. Jurisdiction (Article 31)

200. As per Article 9 of the CC, the Serbian Criminal Code applies to a foreigner if he/she commits a crime against Serbia or a Serbian national outside the territory of Serbia and is found on Serbian territory, or is extradited to Serbia. Further, the criminal jurisdiction of Serbia applies to a person who is not a citizen of Serbia and commits an offence against a foreign country or foreign national outside Serbia, under the condition that the law of the country where the crime was committed provides for a penalty of at least five years' imprisonment, if the offender was arrested in Serbian territory and was not extradited to a foreign country.

201. Pursuant to Article 9 of the CC, Serbia has jurisdiction for offences committed by foreign nationals outside the territory of Serbia against Serbia or its citizens, if the perpetrator is found on the territory of Serbia or is extradited to Serbia. Furthermore, the criminal legislation of Serbia applies to a foreigner who commits a criminal offence abroad against a foreign state or a foreign citizen, when such an offence is punishable by five years' imprisonment or a heavier penalty by the legislation of the country of commission, if such a person is found on the territory of Serbia and is not extradited to the foreign state concerned. In such cases, the court may not impose a penalty heavier than the one envisaged by the law of the country where the offence was committed. Criminal prosecution shall be undertaken only when the criminal offences are also punishable by the law of the country where they were committed. However, if the act at the time of commission was considered a criminal offence under the general legal principles of international law, prosecution may be undertaken in Serbia following the permission of the Public Prosecutor, regardless of the law of the country where the offence was committed.

5. International co-operation and co-operation with civil society

a. International co-operation (Articles 32 and 33)

202. In addition to the bilateral agreements relevant to combating THB already mentioned in GRETA's first evaluation report,⁵² new agreements have been concluded by Serbia in the reporting period, in particular the Memorandum of Understanding between the Serbian Ministry of the Interior and the National Crime Agency of the United Kingdom on co-operation against organised crime, covering THB, signed on 8 December 2014, the agreement on police co-operation in the suppression and fighting crime signed on 22 January 2015 between the Ministry of the Interior of Serbia and the Ministry of the Interior of Finland, and a protocol on co-operation in the course of the tourist season signed between the General Police Directorate of the Serbian Ministry of the Interior and the Police Directorate of the Ministry of the Interior of Montenegro. Further, a letter of intention on co-operation was signed on 25 October 2015 between the Ministry of the Interior of Serbia and the Ministry of the Interior of Qatar. The Serbian authorities also have informed GRETA about the conclusion of a memorandum on co-operation on 27 October 2015 between the Serbian Ministry of the Interior and the Federal Migration Service of the Russian Federation, which encompasses co-operation in regulating labour migration through implementation of joint programmes in this field. In 2015 the Government of Serbia also concluded an Agreement with the Government of Belarus on Co-operation in Fighting Crime, including human trafficking.

⁵¹ [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#) (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies)

⁵² Serbia has concluded bilateral agreements on international legal assistance in criminal matters with Albania, Algeria, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, Greece, Italy, Iraq,

203. An Agreement on Operational and Strategic Co-operation between Serbia and Europol was signed on 16 January 2014, envisaging co-operation in the field of combating human trafficking. It entered into force on 1 July 2014, enhancing the operational capacity of the Ministry of the Interior to co-operate with law enforcement authorities of other states and Europol in the investigation of trafficking cases. In June 2015 Serbian experts from the Criminal Police Directorate and the Border Police Directorate became members of Europol's Focal point "Phoenix" for human trafficking. This allowed the exchange of data and confidential information relevant to specific cases of THB, in accordance with the Co-operation Agreement with Europol.

204. In December 2015, representatives of the Serbian Ministry of the Interior and the Prosecutor's Offices of Serbia, Slovenia, Bosnia and Herzegovina, Montenegro and "the former Yugoslav Republic of Macedonia" participated in a workshop organised within the project entitled "Joint Investigation Teams to Fight Trafficking in Human Beings in the Western Balkans". Presenters at the workshop included experts from Europol and Eurojust.

205. Serbia has no co-operation agreement with Eurojust and can participate in a Joint Investigation Team (JIT) only if invited by an EU country. No JITs have been set up so far with the participation of Serbian law enforcement authorities for investigating human trafficking cases. One JIT was set up between Austria, Hungary and Serbia in September 2015 on the investigation of organised criminal groups smuggling migrants from the Middle East and Africa, which resulted in the indictment of four persons in Serbia for people smuggling and illegal crossing of the border.

206. The authorities have referred to an investigation conducted in 2014-2015 into a transnational trafficking case involving seven Serbian victims of sexual exploitation, which resulted in filing criminal charges in Slovenia against three persons. In another transnational trafficking case committed by an organised criminal group which recruited adult and child victims in Serbia for sexual exploitation in Italy, criminal proceedings were conducted in Serbia and Italy, resulting in the conviction of four perpetrators (the sentences ranging from 10 to 14 years' imprisonment). However, prosecutors informed GRETA that international legal requests in THB cases are sometimes processed too slowly, which has a detrimental effect on investigations.

207. Members of the Parliamentary Committee on Human and Minority Rights and Gender Equality and the Committee on Labour, Social Issues, Social Inclusion and Poverty Reduction participated in an inter-parliamentary workshop organised by the Human Trafficking Foundation (UK) entitled "European Parliamentarians Fighting Modern Slavery" in Bucharest (Romania) on 27- 28 September 2016. A similar event for parliamentarians in the Western Balkans workshop was organised on 18 May 2017 in Belgrade.

208. Further, the Human and Minority Rights Office of Serbia signed a Memorandum of Co-operation with the German Association for International Co-operation (GIZ) and in the period from November 2013 to November 2015 implemented the programme entitled "Social protection and prevention of human trafficking".

209. As regards early warning and notification measures relating to endangered and/or missing children, GRETA was informed that since 2012, the NGO Astra has operated the European telephone number for missing children (116000) in Serbia on the basis of a Memorandum of Co-operation with the Ministry of the Interior. From 2012 to 2016, the hotline registered a total of 1759 calls and 81 children were reported missing (predominantly children who ran away from home and parental kidnapping). On the basis of the above-mentioned Memorandum, the NGO Astra keeps the Ministry of the Interior informed about children reported missing, including refugee and migrant children. The authorities referred to two cases of missing migrant children reported by NGOs in 2015, of which one was found in Germany and another in Serbia. Another two children who went missing in 2016, were also found in Serbia. A presentation on AMBER Alert, the European child rescue alert and police network on missing children, was planned before the end of 2017.

210. GRETA invites the Serbian authorities to pursue and strengthen international co-operation with a view to preventing human trafficking, assisting victims of trafficking, and investigating and prosecuting human trafficking offences.

b. Co-operation with civil society (Article 35)

211. Specialised NGOs have signed bilateral memoranda on co-operation with relevant public bodies working in the field of THB in Serbia. By way of example, the NGO Astra has concluded memoranda of co-operation with the Ministry of the Interior, the State Prosecutor's Office and the Centre for the Protection of Victims of Trafficking. The Unitas Fund, a relatively recent civil society actor in the Serbian anti-trafficking field, has signed memoranda of understanding with the Ministry of Education and the Centre for the Protection of Victims of Trafficking.

212. Further, the Centre for the Protection of Victims of Trafficking has signed a co-operation agreement with the Tijana Jurić Foundation, aimed at better informing and sensitising the general public and raising general awareness of the problem of trafficking in human beings, especially with regard to children and young people. Further, the Ministry for Human and Minority Rights and the NGO Centre for Roma Initiatives have signed a Memorandum on mutual co-operation in the areas of preventing domestic violence and child, early and forced marriages.

213. However, GRETA notes with concern that the considerable delay in the adoption of the new National Anti-Trafficking Strategy and Action Plan had a negative impact on the co-ordination of anti-trafficking actors and co-operation with civil society. Representatives of civil society and international organisations expressed the view that the well-established dialogue between the authorities and specialised NGOs observed in previous years has recently deteriorated.

214. The Action Plan accompanying the new Anti-Trafficking Strategy, envisages defining and adopting a model of formalised co-operation with NGOs in the field of combating THB. The National Strategy stresses that NGOs shall participate as equal partners in the process of monitoring, reporting and evaluating the implementation of the Strategy, through the appointment of five representatives. A public call addressed to NGOs for participation in the process of monitoring, reporting and evaluating the implementation of the Strategy was issued on 29 September 2017.

215. As previously noted, pursuant to the Law on Social Protection, all service providers, including NGOs, should either be licensed or have accredited programmes in accordance with relevant bylaws. GRETA notes that only the NGO Astra has applied for a license and no NGOs have so far obtained a license for the provision of services to victims of THB. GRETA refers to the recommendation made in paragraph 129.

216. GRETA considers that the Serbian authorities should continue building strategic partnerships with NGOs and trade unions, in accordance with Article 35 of the Convention, through involving them in the prevention of human trafficking, the victim identification process, the provision of assistance to victims and the planning, monitoring and evaluation of anti-trafficking action.

IV. Conclusions

217. Since the adoption of GRETA's first report on Serbia in November 2013, the legal framework relevant to action against trafficking in human beings has evolved and there are further legislative changes in the pipeline, in particular related to the adoption of a new Law on Foreigners.

218. The institutional framework for combating human trafficking has also evolved, with the recent setting up of the Office for Co-ordinating Action against Trafficking in Human Beings, headed by the National Anti-Trafficking Co-ordinator.

219. The recent adoption of a new Strategy for the Prevention and Suppression of THB, Especially Women and Children, and Victim Protection (2017-2022) and a related Action Plan for 2017-2018, supported by funding from the state budget, has the potential of reenergising the fight against human trafficking in Serbia and strengthening strategic partnerships with civil society.

220. Moreover, the new National Strategy for Social Inclusion of Roma Men and Women and the National Strategy for Gender Equality contain actions relevant to preventing human trafficking and promoting the rights of victims.

221. Efforts have been made to continue the provision of training to relevant professionals and to expand the categories of staff targeted. The training is often carried out in co-operation with NGOs and international organisations and, whenever possible, a multi-stakeholder approach is promoted. Faced with a sharp increase in the number of migrants and asylum seekers in 2015-2016, the Serbian authorities have started providing training to asylum officers on the identification of possible victims of trafficking.

222. In the area of prevention of THB, a number of awareness-raising activities have been implemented by the authorities, in partnership with international organisations and NGOs. Particular attention has been paid to raising awareness of the risks of child trafficking and reducing the vulnerability of children to trafficking, including through measures to ensure that all children are registered at birth. GRETA welcomes the research carried out on different aspects of THB, including on the risks of human trafficking of migrants with irregular status and the setting up of a State compensation scheme.

223. Another welcome development is signing of a Memorandum on Co-operation between the Centre for the Protection of Victims of Trafficking and the NGO Astra in the area of identifying and assisting victims of trafficking, as well as a protocol with the National Employment Service on co-operation in finding employment for victims of trafficking.

224. Furthermore, GRETA welcomes the drawing up of guidelines on the implementation of the non-punishment provision with regard to victims of human trafficking and the increased application of the status of especially vulnerable witnesses to victims of trafficking during criminal proceedings.

225. However, despite the efforts made, several issues continue to give rise to concern. In this report, GRETA requests the Serbian authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in brackets.

Issues for immediate action

- Referring to Article 5, paragraph 5, of the Convention, according to which Parties to the Convention shall take specific measures to reduce children's vulnerability to trafficking, as well as the Council of Europe's Action Plan on protecting refugee and migrant children (2017-2019),⁵³ GRETA urges the Serbian authorities to strengthen their efforts in the area of prevention of child trafficking, in particular by:
 - ensuring that unaccompanied and separated children benefit from effective care arrangements, including safe and appropriate accommodation, and that reception centres for migrants, centres for social work and facilities for children have adequate human and financial resources to fulfil their tasks efficiently;
 - ensuring timely appointment of guardians and effective guardianship to unaccompanied foreign children (paragraph 73);
- GRETA once again urges the Serbian authorities to take steps to improve assistance to victims of trafficking, in particular by:
 - ensuring that specialised support and services are provided to victims of trafficking;
 - guaranteeing the availability of appropriate and safe accommodation with a sufficient number of places for victims of trafficking, including men;
 - providing adequate financing for services delivered by specialised NGOs;
 - facilitating the reintegration of victims of trafficking into society, including by providing them with vocational training, and ensuring adequate resources the services assisting them in their integration. (paragraph 128) ;
- GRETA urges the Serbian authorities to take further steps to improve the identification and assistance of child victims of trafficking, and in particular to:
 - intensify their efforts to identify victims of trafficking among unaccompanied and separated foreign children in reception centres for migrants and asylum seekers, other facilities and outside any formal facilities;
 - provide adequate assistance and services adapted to the needs and the rights of child victims of trafficking;
 - provide further training to all stakeholders (police, migration and asylum authorities, centres for social work, NGOs, health care and education professionals) as well as guidance for the identification of child victims of THB (paragraph 138);
- GRETA once again urges the Serbian authorities to ensure, in compliance with Article 13 of the Convention, that all presumed foreign victims of trafficking are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 147);

⁵³

Adopted at the [127th Session of the Committee of Ministers](#) in Nicosia, Cyprus, on 19 May 2017.

- GRETA once again urges the Serbian authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking, including by:
 - ensuring that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;
 - enabling victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials and the judiciary;
 - encouraging prosecutors to request compensation orders to the largest possible extent and judges to consider compensation claims in criminal proceedings;
 - making full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of THB;
 - setting up a State compensation scheme for victims of THB, regardless of their nationality and residence status (paragraph 159).

Further conclusions:

- GRETA invites the Serbian authorities to ensure that the Office for Co-ordinating Action against Trafficking in Human Beings is provided with adequate resources to enable the effective carrying out of the tasks entrusted (paragraph 20);
- GRETA invites the Serbian authorities to provide continuous support to the work of the Centre for the Protection of Victims of Trafficking in Human Beings (paragraph 21);
- GRETA considers that the Serbian authorities should establish an independent National Rapporteur or designate as the equivalent of a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions (paragraph 25);
- GRETA considers that the Serbian authorities should continue providing regular training on THB to police officers, social workers, labour inspectors, child care professionals, persons acting as legal guardians for children, especially unaccompanied foreign children, health-care professionals, prosecutors, judges and lawyers (paragraph 36);
- For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA invites the Serbian authorities to continue developing and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors, including reception centres for migrants and asylum seekers, and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to ensure the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database (paragraph 41);
- GRETA considers that the Serbian authorities should promote and fund further research, including on the impact of the current migration situation on human trafficking, the scale and forms of internal trafficking, and the root causes of different forms of THB (paragraph 48);
- GRETA considers that the Serbian authorities should continue carrying out information and awareness-raising campaigns on different forms of THB. Future awareness-raising measures should be designed in light of the assessment of previous measures and be focused on the needs identified (paragraph 54);

- GRETA considers that the Serbian authorities should continue and strengthen their efforts to prevent trafficking for the purpose of labour exploitation, in particular by:
 - further sensitising the general public and relevant officials, in particular labour inspectors, market inspectors, police officers, prosecutors, judges, staff of centres for social work, teachers in secondary and vocational education schools and consular staff about the risks of trafficking for labour exploitation and the rights of victims;
 - expanding the mandate of labour inspectors to cover private homes and providing them with resources and guidance so that they can be actively engaged in the prevention of THB;
 - strengthening the monitoring of recruitment and temporary work agencies and reviewing the legislative framework for any loopholes that may limit protection or preventive measures;
 - working closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business (paragraph 61);
- GRETA considers that the Serbian authorities should continue their efforts to:
 - raise awareness of the risks of THB among children, parents, educational staff and child welfare professionals, paying special attention to Roma communities and children in street situations;
 - ensure that all children are registered at birth;
 - promote online safety to prevent trafficking committed through the misuse of the Internet (paragraph 74);
- GRETA considers that the Serbian authorities should increasingly involve health mediators in the prevention and detection of human trafficking in the Roma community, by providing them with training for this purpose (paragraph 80);
- While acknowledging the efforts already made, GRETA considers that the Serbian authorities should take further measures to strengthen prevention of human trafficking through social, economic and other measures for vulnerable groups. This should include proactive measures to combat gender inequality, stereotypes and gender-based violence, and to facilitate access of the Roma community to education, the job market and health services (paragraph 81);
- As a measure to prevent trafficking, GRETA considers that the Serbian authorities should develop social and economic initiatives for migrants and asylum seekers staying in Serbia (paragraph 82);
- GRETA considers that, as part of their training, medical professionals involved in organ transplants and other relevant staff should be sensitised about THB for the purpose of organ removal (paragraph 88);
- GRETA encourages Serbia to sign and ratify the Council of Europe Convention against Trafficking in Human Organs, which will enter into force on 1 March 2018, as this could contribute to preventing trafficking for the purpose of organ removal (paragraph 89);
- GRETA considers that the Serbian authorities should strengthen their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society and the private sector. Additional measures should be taken to increase awareness about the risks of trafficking and exploitation of migrants and asylum seekers present in Serbia, which should also address the aspect of demand (paragraph 93);

- GRETA considers that the Serbian authorities should keep under review the impact of the Law on Public Peace and Order on the identification of trafficking victims for the purpose of sexual exploitation, the protection and assistance provided to them, the application of the non-punishment principle and the prosecution of traffickers, including through independent research (paragraph 94);
- While welcoming the efforts made to improve the capacity of border police officers to detect and identify victims of trafficking, GRETA considers that the Serbian authorities should step up their efforts to detect potential victims at border crossings and provide relevant officials with training to enable early detection and referral of possible victims of THB among vulnerable groups, such as migrants and asylum seekers, including unaccompanied and separated children (paragraph 101);
- While welcoming the fact that the identification of victims of trafficking in Serbia remains disconnected from the criminal investigation into THB cases, GRETA considers that the Serbian authorities should take additional steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:
 - encouraging law enforcement officials, labour and market inspectors, social workers, asylum officials, NGOs and other relevant actors adopt a more proactive approach and increase their outreach work to detect victims of human trafficking for different forms of exploitation;
 - increasing the involvement of specialised NGOs in the identification of victims of trafficking and strengthening multi-disciplinary co-operation between all relevant partners;
 - paying increased attention to detecting victims of trafficking among migrants and asylum seekers;
 - providing sufficient staff and resources to the Centre for the Protection of Victims of Trafficking to enable it to carry out timely identification of victims of trafficking (paragraph 117);
- GRETA also invites the Serbian authorities to keep under review the impact of the licensing procedure for service providers on the quality and range of the services provided (paragraph 129);
- GRETA considers that the Serbian authorities should adopt a regulatory framework with evidence-based age assessment procedure, which ensures the presumption that a person is a child until he/she is not proved to be adult (as required by Article 10, paragraph 3, of the Convention) and the effective protection of the best interests of the child, taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child (paragraph 137);
- GRETA considers that the Serbian authorities should take additional measures to prevent making the names and addresses of victims of trafficking publicly available (paragraph 142);
- GRETA considers that the Serbian authorities should ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, without prejudice for the right to seek and enjoy asylum (paragraph 151);
- GRETA invites the Serbian authorities to grant temporary residence permits to victims of THB on the basis of their personal situation, in addition to permits on the basis of the victim's co-operation in the investigation or criminal proceedings (paragraph 152);

- GRETA considers that the Serbian authorities should continue to take steps to ensure that the return of victims of THB is conducted with due regard to their rights, safety and dignity, is preferably voluntary, complies with the obligation of *non-refoulement* and the right to seek and enjoy asylum, and in the case of children, fully respects the principle of the best interests of the child. In this context, the authorities should continue to develop co-operation with countries of origin of victims in order to ensure comprehensive risk and security assessment (Article 16(7) of the Convention) and safe return of the victims, as well as their effective reintegration on return. Full consideration should be given to the UNHCR's guidelines on the application of the Refugees Convention to trafficked people (paragraph 166);
- GRETA considers that the Serbian authorities should ensure that all the aggravating circumstances included in the Convention are appropriately taken into account (paragraph 170);
- GRETA once again considers that the Serbian authorities should make the necessary amendments to this Article which would guarantee its application to all children, i.e. persons below 18 years of age (paragraph 174);
- GRETA invites the Serbian authorities to disseminate information about the provision criminalising the use of services of trafficked persons and to promote its application in practice (paragraph 175);
- GRETA invites the Serbian authorities to keep under review the application of the corporate liability provisions in THB cases with a view to ensuring that they are effectively applied in practice (paragraph 176);
- GRETA invites the Serbian authorities to continue dissemination of the guidelines on the implementation of the non-punishment principle with regard to victims of human trafficking to all relevant professionals, in particular police officers, prosecutors and judges, and to provide them with regular training concerning the effective implementation of the non-punishment principle (paragraph 179);
- GRETA welcomes the direct application of the Convention's non-punishment provision in national law and invites the Serbian authorities to spread knowledge about relevant case law (paragraph 180);
- GRETA invites the Serbian authorities to keep the implementation of the non-punishment principle under review so as to determine whether legislative amendments are not necessary to achieve its objectives, as set out by Article 26 of the Convention. (paragraph 181)
- GRETA considers that the Serbian authorities should take further steps to ensure that THB offences are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions, in particular by:
 - ensuring that units investigating THB offences are properly resourced;
 - encouraging prosecutors and judges to develop specialism in THB with a view to successfully prosecuting and convicting more traffickers;
 - systematically carrying out financial investigations in order to locate, seize and confiscate the assets of the perpetrators (paragraph 191);

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- GRETA considers that the Serbian authorities should:
 - make full use of the available measures to protect victims and witnesses of THB and to prevent intimidation or re-traumatisation during the investigation and during and after the court proceedings, including through the use of video conferences and other suitable means to avoid face-to-face cross-examination (“direct confrontation”) of victims and alleged perpetrators, as well as and according to victims of trafficking the status of “especially vulnerable witnesses”;
 - provide separate facilities and waiting areas for victims/witnesses and the accused;
 - ensure the police officers, prosecutors, judges, staff of centres for social work engaged with children and persons acting as legal guardians are made aware of the particular vulnerability of child victims of trafficking. In this context, GRETA also refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (paragraph 199);
 - GRETA invites the Serbian authorities to pursue and strengthen international co-operation with a view to preventing human trafficking, assisting victims of trafficking, and investigating and prosecuting human trafficking offences (paragraph 210);
 - GRETA considers that the Serbian authorities should continue building strategic partnerships with NGOs and trade unions, in accordance with Article 35 of the Convention, through involving them in the prevention of human trafficking, the victim identification process, the provision of assistance to victims and the planning, monitoring and evaluation of anti-trafficking action (paragraph 216).

Appendix

List of public bodies, intergovernmental and non-governmental organisations and other civil society actors with which GRETA held consultations

Public bodies

- Ministry of the Interior
 - o Mr Zoran Lazarov, Assistant Minister
 - o Police General Directorate
 - o Criminal Police Directorate
 - o Border Police Directorate
 - o Office for Asylum
- Ministry of Labour, Employment, Veterans and Social Issues
 - o Centre for the Protection of Victims of Human Trafficking
 - o Market Inspectorate
 - o Labour Inspectorate
- Ministry of Foreign Affairs
- Ministry of Justice
- Ministry of Education
- Ministry of Trade, Tourism and Telecommunication
- Ministry of Health
 - o Directorate of Biomedicine
- Ministry of Youth and Sport
- Prosecutor's Office
- National Assembly of Serbia
- Supreme Cassation Court
- Commissariat for Refugees and Migration
- Government Office for Human and Minority Rights
- Government Office for Co-operation with Civil Society

Intergovernmental organisations

- International Organization for Migration (IOM) Office in Belgrade
- Organisation of Security and Co-operation in Europe (OSCE) Office in Belgrade
- United Nations High Commissioner for Refugees (UNHCR) Office in Belgrade
- United Nations Children's Fund (UNICEF) Office in Belgrade

NGOs and other civil society actors

- Astra
- Atina
- Belgrade Human Rights Centre
- Center for Youth Integration
- Centar za prava deteta (Child Rights Centre)
- Novi Sad Humanitarian Centre
- Praxis
- Serbian Red Cross

Government's comments

GRETA engaged in a dialogue with the Serbian authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Serbian authorities on 13 December 2017 and invited them to submit any final comments. By letter of 12 January 2018 (reproduced hereafter), the Serbian authorities indicated that they do not see the need to submit any comments to the final GRETA report.

COURTESY TRANSLATION

Council of Europe
Directorate General for Human Rights and Rule of Law
Secretariat of the Council of Europe Convention on Action against Trafficking in
Human Beings

Respected,

Ministry of the Interior of the Republic of Serbia received final Report on the second round of evaluation which was prepared by the Group of Experts on Action against Trafficking in Human Beings (GRETA) on implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

We avail ourselves of this opportunity to express our gratitude to the members of GRETA delegation who visited Republic of Serbia in March 2017, Mr Jan Van Dijk, first vice-president of GRETA, Ms Rita Theodorou Superman and Mr David Dolidze, from the Secretariat of the Convention for excellent cooperation during the monitoring visit, their professionalism, expertise and dedication to the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

In accordance with the Decision on the establishment of the Council for Combating Trafficking in Human Beings adopted on 12 October 2017 and the Strategy to Prevent and Suppress Human Trafficking, especially in Women and Children and to Protect Victims 2017-2022, GRETA Report on the second cycle of the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings for Serbia will be considered at the next meeting of the Council for Combating Trafficking in Human Beings. In line with the recommendations of GRETA, the Council for Combating Trafficking in Human Beings will propose adequate measures for the implementation of recommendations and engagement of the necessary resources, especially taking into account the preparation of the Action Plan for the period 2019-2020 for implementation of the Strategy to Prevent and Suppress Human Trafficking, especially in Women and Children and to Protect Victims 2017-2022.

Bearing in mind high level of cooperation during the whole process of the second cycle evaluation, and cooperation with Ms Petya Nestorova, Executive Secretary of the Convention, the Republic of Serbia is looking forward to continue cooperation with GRETA and THE Council of Europe, especially through Project "Prevention and Fight against Trafficking of Human Beings in Serbia" in the Program of Horizontal Facility for Western Balkans and Turkey.

The Republic of Serbia will provide all additional information, as well as continuously report to the Secretariat of the Convention on activities related to the implementation of the Convention and the recommendations of GRETA, through the National Anti-Trafficking Coordinator and the National Focal Point for cooperation with GRETA.

DEPUTY PRIME MINISTER,
MINISTER OF THE INTERIOR and
PRESIDENT OF THE COUNCIL FOR COMBATING
TRAFFICKING IN HUMAN BEINGS

phd Nebojša Stefanović