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Reply from 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
(Reply submitted on 8 February 2017)

Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, 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 based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. 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. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second 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 this new 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. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);

In recent years the predominant form of trafficking in Serbia is internal trafficking in human beings, where victims are mostly nationals being exploited by other nationals. Internal trafficking in human beings is further confirmed by the data that the identified perpetrators of THB crimes are Serbian citizens in more than 95% of the cases, and as for the identified victims, Serbian citizens account for the same percentage. However, to a lesser extent, Serbia is still the country of origin for victims of trafficking in human beings who are exploited beyond its borders, as well as the country of transit and of destination for foreign victims of human trafficking, also to a smaller degree. Internal (in the territory of Serbia) and transnational trafficking in human beings differ in the form of exploitation. Sexual exploitation, exploitation for the purpose of begging, forced marriage and forced criminal exploitation are characteristic of internal trafficking, and as for human trafficking originating in Serbia, labour exploitation occurs at a transnational level.

The crime of human trafficking in practice is most often committed by exploiting the difficult circumstances of others, since the perpetrators were well informed of the personal circumstances of the victims of trafficking in human beings since in most cases they had known each other beforehand, or they had learned about the difficult circumstances through an interview conducted with persons applying for jobs advertised. Also, there were cases of abusing the addiction mindset, since human traffickers knew that the victims were drug users.

Abuse of internet and social networks results in the emerging of new and more complex modes of trafficking in human beings and affects the efficiency in their prevention. Internet and social networks offer broad possibilities when it comes to recruiting the victims, forming addiction mindset in the victims, creating fake trust and communication between the victims and clients, and also preventing timely insight into the emergence of new modes of human trafficking and thus responding to them.

The assessment of threat of serious and organised crime (SOCTA – *Serious and Organized Crime Threat Assessment*) that was performed in 2015 and published in early 2016 also gives trends and recommendation related to fighting trafficking in human beings. The public version of the report is available on the Ministry of Interior website.

As an example from the police practice let us mention one of the new ways of recruitment. It is a case where a female minor was constantly over a long period of time persuaded and convinced by her stepfather and mother that her entire life was dictated by an invented person allegedly living in a monastery who her stepfather communicated with by way of that person's photograph. It was under such kind of influence that she agreed to both labour and sexual exploitation.

According to the 2016 data of the Centre for Human Trafficking Victims Protection, multiple exploitation of the victims is on the rise when compared to the previous period, where there were a few cases. There were 11 cases of multiple exploitation of the victims (20% of the victims). Among the multiple exploitation victims, underage victims and victims who are of age have almost the same share, and all victims of multiple exploitation are of female gender (6 girls and 5 girls who were of age). The breakdown of multiple exploitation according to the age of victims is given in Table 3. It is evident that sexual exploitation is present in almost all of multiple exploitation cases (in 8 cases), while forced marriage is present in 6 cases. The data may be considered in view of understanding forced marriage as a kind of exploitation which is often an introduction to other forms of exploitation.

Table 3: Multiple exploitation in 2016 per type of exploitation, age and gender.

Type of exploitation	Up to 18 years of age	Over 18 years of age	TOTAL
	F	F	
Sexual exploitation, labour exploitation and forced begging	1	1	2
Sexual and labour exploitation		1	1
Sexual exploitation and forced marriage		2	2
Sexual exploitation, forced criminal activities and forced marriage	1		1
Sexual and labour exploitation, forced criminal activities		1	1
Sexual exploitation and exploitation in armed conflicts	1		1
Forced marriage and forced begging	2		2
Forced marriage and labour exploitation	1		1
TOTAL	6	5	11

Labour exploitation occurred in a smaller number of cases when compared to the previous period (7 cases). However, it cannot be claimed that labour exploitation decreased; it is more probable that the systemic response in recognising this type of exploitation was missing.

As for the country of origin of the victims, Serbia is still the country of origin of the victims, like it was for several years back. It is important to note that during 2016 there were 40 applications for identification that referred to migrant population (Syria, Afghanistan), but that it was not possible to identify victims based on the available data. Such difficulties in identifying victims of human trafficking are faced by all the countries on the migrant route, and one of the difficulties is also the lack of information flow between the services and agencies dealing with detecting and identifying the victims of human trafficking at the international level. In the reported cases of possible human trafficking there were indications concerning the possibility that certain persons in Serbia are in transportation phase, and that human trafficking in other phases happened in the country of origin or transit, or that it will happen in the countries of destination. The facts collected were not relevant data based on which official identification of victims could be carried out. In Serbia 2 victims of human trafficking from the migrant population were identified, both were female, one was a minor and one victim who was of age. One was the victim of forced marriage and labour exploitation, and the other was a victim of sexual exploitation (the one who was of age) on the migrant route (Turkey and Greece).

In the period from January to December 2016 police officers filed **11** criminal charges based on the reasonable doubt that the criminal offence of human trafficking was committed; the charges filed concerned **14** perpetrators, and **31** victims of the crime were identified.

All the perpetrators of the criminal offence were citizens of the Republic of Serbia, all of them of age, **12** males and **2** females.

All the victims of trafficking in human beings (**31**) identified during 2016 were citizens of the Republic of Serbia, **28** females and **3** males. As for age, **26** of the victims were of age, and **5** were minors.

According to the police data for 2016, most of the exploitation of the injured parties took place in the territory of the Republic of Serbia, four took place in Germany, and one was initiated / planned in Austria.

More details about the charges filed by the Ministry of Interior for 2016 on account of the criminal offence of trafficking in human beings as referred to in Article 388 of the Criminal Code of the Republic of Serbia are provided at the end of the report.

- any changes in your country's laws and regulations relevant to action against THB;

In the period that the questionnaire covers (**January 2014 – January 2017**) the **National Assembly (the Parliament)** adopted the following laws of relevance for the action against trafficking in human beings:

- Law on Ratification of the Amendment to Article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women ("Official Gazette of the RS" – International Agreements, no 5/14);

- Law on Employment of Foreigners (“Official Gazette of the RS”, no 128/14);
- Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Government of the Republic of Belarus on Cooperation in Fighting Crime (“Official Gazette of the RS – International Agreements”, no 3/15);
- Law on Amendments to the Law on Employment and Unemployment Insurance (“Official Gazette of the RS”, no 38/15);
- Law on Conditions for Secondment of Employees to Temporary Work Abroad and Their Protection (“Official Gazette of the RS”, no 91/15);
- Law on Public Peace and Order (“Official Gazette of the RS” no 6/16);
- Law on Amendments to the Criminal Code (“Official Gazette of the RS”, no 94/16) – applicable as of 1 June 2017);
- Law on Prevention of Domestic Violence (“Official Gazette of the RS”, no 94/16 – applicable as of 1 June 2017);
- Law on Organisation and Competences of Authorities in Fighting Organised Crime, Terrorism and Corruption (“Official Gazette of the RS”, no 94/16 – applicable as of 1 March 2018);

A relevant piece of legislation from the standpoint of prevention and protection of victims of human trafficking is also the Government Regulation on safety and protection of children using information and communication technologies (“Official Gazette of the RS”, no 61/16 of 7 July 2016).

The Standard Operating Procedures for the Protection of Refugee/Migrant Children were published in 2016, developed as part of the project “Strengthening child protection system in Serbia to respond to the needs of refugee/migrant children at high risk”, where the implementing party was a non-governmental organisation IDEAS, and the project was implemented **in partnership with the Ministry of Labour, Employment, Veteran and Social Affairs, UNICEF and UNHCR, with the participation of Centre for Human Trafficking Victims Protection**. The Standard Operating Procedures were published in March 2016, ISBN 978-86-80660-01-1, with the recommendation of the Minister of Labour that they should be observed by all the participants in protection of refugee/migrant children. The Standard Operating Procedures are available in both Serbian and English at the website of the NGO IDEAS <http://ideje.rs/kontakt/>

During 2016 the draft **Law on Foreigners** was prepared, which is in line with the EU legislation, and the European Commission is expected to provide their opinion on the text, in particular with regard to the extent of the provisions being harmonised with the Directive 2004/81/EC on residence permit for victims of human trafficking. The Draft Law on Foreigners (translation of the articles will be supplied to GRETA separately) provides for regulating the following: temporary stay for alleged victims of human trafficking, termination of humanitarian and temporary stay for victims of trafficking in human beings, and other matters in line with the EU legislation and the Council of Europe Convention on Action against Trafficking in Human Beings.

- the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;

As part of the Police Directorate, the Office for coordinating activities in action against trafficking in human being was established in line with proposals of the GRETA from the first evaluation round; however, the Office has no employees as yet.

The Action Plan for negotiations with the EU for Chapter 24, Justice, freedom and security, provides for the establishment of the office of national rapporteur for trafficking inhuman beings during 2019.

Representatives of the **National Assembly** committees (Committee on Human and Minority Rights and Gender Equality and Committee on Labour, Social Issues, Social Inclusion and Poverty Reduction) participated at the inter-parliamentary workshop “European Parliamentarians Fighting Modern Slavery” held in Bucharest, Romania on 27 and 28 September 2016. The workshop was organised by the Romanian Parliament and the Group for fighting trafficking in human beings of the Romanian Parliament, and the Human Trafficking Foundation from the UK. The purpose of the workshop was a more comprehensive and effective action against human trafficking by establishing cooperation

between the MPs from Hungary, Moldova, the Ukraine, Bulgaria, Italy and Serbia. The possibility of forming a special parliamentary body that would deal with the issues of human trafficking was particularly analysed at the workshop.

On 15 January 2016 the **Centre for Human Trafficking Victims Protection** and NGO **Astra** signed a Memorandum on Cooperation in order to formalise their future cooperation in the area of identifying and protecting victims of trafficking in human beings. The aim of the Memorandum is a more comprehensive and efficient protection of the rights of human trafficking victims in the Republic of Serbia. The text of the Memorandum precisely defines the principles that the signatory parties will observe, but also lays down the roles and procedures in detecting, identifying and protecting victims of human trafficking. This act is an important step forward in advancing the mechanism of suppressing human trafficking in Serbia and achieving international standards in the area.

In the days preceding the Universal Children's Day, which was to be marked on 20 November 2016, the Centre for Human Trafficking Victims Protection and **Foundation "Tijana Jurić"** signed the Agreement on Mutual Cooperation. By signing this Agreement the organisations wished to contribute through their activities to the general public being better informed and sensitised and to raising general awareness of the problem of trafficking in human beings, especially with regard to children and youth. The Centre for Human Trafficking Victims Protection and Foundation "Tijana Jurić" will cooperate in planning, developing and implementing joint projects addressing security and safety of children and prevention of human trafficking, as well as in promoting good practices, organising joint public discussions, training, conferences, round tables, in preparing educational materials for prevention, and in other activities.

In 2016 in working with the victims during identification and in providing support to the newly identified victims of trafficking in human beings, non-governmental organisations and the UN agencies were involved in 28 cases (51% of the cases). Civil society organisations were involved in providing support for 14 newly registered victims who were of age, while the UN agency UNHCR was involved in the cases of 14 victims who were minors. In 2016 civil society organisations (including international organisations as well) were involved in working with the total of 61 victims (28 newly registered cases and 43 victims already included in the work in the previous year). As for national civil society organisations, they provided support for 52 victims. The participation of national civil society organisations in providing support to the victims is shown in Table 5.

Table 5: Participation of national NGOs in providing support to identified victims of trafficking in human beings

NGO	Number of victims
ASTRA	19
ATINA	26
ASTRA, ATINA	7
Total	52

The Protocol on cooperation in finding employment for victims of human trafficking between the **National Employment Service** and the Centre for Human Trafficking Victims Protection was signed in January 2017. The Protocol defines the goals and ways of exercising the right to employment for the victims of human trafficking as an especially vulnerable group among the National Employment Service beneficiaries, as well as concrete procedures of the Centre and the National Employment Service in finding employment for them.

- an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).

Strategy for the prevention and suppression of trafficking in human beings, especially women and children, and protection of the victims for the period of 2017 to 2022 and the accompanying Action Plan have not been adopted yet.

The translation of the texts of the Strategy and Action Plan into English with financial calculations will be delivered to GRETA separately.

Technically, the Strategy for Fighting Trafficking in Human Beings in the Republic of Serbia from 2006 ("Official Gazette of the RS", no 111/2006) is still applicable, since there is no time limitation to it, but there is no accompanying Action Plan, since the activities planned are actually in line with the proposed new Strategy.

B. Cross-cutting questions

Gender equality (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

The Commissioner for the Protection of Equality is an independent and autonomous authority established by the 2009 Law on Prohibition of Discrimination (*ZZD*) and the focal national body specialised in preventing and suppressing all forms and types of discrimination. Please note that the provisions of Article 13 of the Law on Prohibition of Discrimination identify trafficking in human beings as a grave form of discrimination.

As part of their competences laid down by the law, the Commissioner for the Protection of Equality is authorised to conduct the procedure related to complaints in cases of discrimination against persons or group of persons sharing the same personal characteristic. The Commissioner is, *inter alia*, competent for receiving and considering complaints concerning discrimination, for providing opinions and recommendations in concrete cases of discrimination, and imposing measures laid down by the law.

Moreover, the Commissioner monitors the situation in the area of protection of equality, and reports on that annually to the National Assembly. In view of the above, the Commissioner for the Protection of Equality has not been directly involved in fighting human trafficking and there have been no actions against trafficking in human beings; however, certain activities that the Commissioner implements in exercising their competences, especially in the part related to advancing equality, exercise a broader social influence and in an indirect way certainly contribute to reduction in discrimination.

Namely, during 2016 the Commissioner implemented a round of training for police officers entitled "Recognising and Reacting to Discrimination". The training was received by 168 police officers, both men and women, members of crime police and traffic police. The general purpose of the training seminar held was to sensitise police officers so they are able to recognise discrimination, and a special session was dedicated to gender equality. There will be more training seminars in 2017 as well.

Moreover, in 2012 the Commissioner for the Protection of Equality established the "Youth Panel" made up at all times by 20 secondary school students, who are replaced once they complete secondary school. The idea for establishing the "Youth Panel" was to work with young people in particular, to educate and sensitise them about the problem of discrimination, who then share their knowledge with their peers in secondary school. Additionally, this is also the manner in which it is possible for children to express their opinion on the phenomenon and causes of discrimination, and also a chance for them to propose preventive programs and activities that they believe would have most effect on the young people. It is through this form of cooperation lasting for several years that the young people are communicated, among other things, a clear message that gender discrimination is unacceptable, and that the integrity and dignity of every person is important.

Bearing in mind that one of the main causes of trafficking in human beings is economic exploitation, affecting in particular the unemployed, professionally disoriented persons and persons (females in particular) of weaker business outlook, the **Ministry of Labour, Employment, Veteran and Social Affairs** started strengthening the capacities of vulnerable women in order to ensure that they are economically stronger and less vulnerable to the unemployment risk. Therefore, in order to implement the National Strategy for Gender Equality for the period from 2016 to 2020 and the Action Plan for Implementing the National Strategy for Gender Equality for the period from 2016 to 2020 ("Official Gazette of the RS", no 4/16), i.e. their General Strategic Goal 2 (Improved equality between men and women through implementing equal opportunity policies and measures), in November 2016 they addressed a public call to civil society organisations inviting them to submit project proposals for improving the economic position of women; the projects would be funded by the Ministry and implemented in the first half of 2017. As a result, out of 81 organisations that applied, the Ministry selected 12 of them for the projects related to women's social entrepreneurship, training for

strengthening own capacities, developing IT capabilities and producing organic food, in the total amount of RSD 3 million (about EUR 24,000).

The Republic of Serbia ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) on 31 October 2013.

The National Assembly adopted the Law on Prevention of Domestic Violence that will be applicable as of 1 June 2017. This Law ensures the implementation of certain provisions of the Convention. Article 4 of the Law provides that this Law applies also to cooperation in prevention of domestic violence (Articles 24-27) in criminal proceedings for specific criminal offences, *inter alia* the following as well: pimping and procuring for sexual intercourse (Article 183 of the Criminal Code); agency services in prostitution (Article 184 of the Criminal Code); showing, procuring and possession of pornographic material and exploiting minors for pornography (Article 185 of the Criminal Code); trafficking in human beings (Article 388 of the Criminal Code). This law applies also to providing protection and support to the victims of the mentioned criminal offences.

The Law on Amendments to the Criminal Code introduced new criminal offences such as: female genital mutilation (Article 121a), stalking (Article 138a), sexual harassment (Article 182a) and forced entry into marriage (Article 187a).

During 2016 the **Ministry of Justice** actively addressed the issue of domestic violence. Most of the work primarily concerned the Law on Prevention of Domestic Violence which was adopted on 23 November 2016 and whose application will start as of 1 June 2017. In August 2016 the Ministry of Justice campaign "*Iskljuci nasilje*" ("Exclude Violence") started, and as part of the campaign a special internet presentation was developed, and in November 2016 the website under this name was launched (www.iskljucinasilje.rs).

The campaign was started with the aim to raise awareness of the public about domestic violence and to present new legal measures in fighting violence at home. In one part both the campaign and the website went along with the Law on Prevention of Domestic Violence through several phases – the phase prior to the adoption of the law, the phase after the adoption, the phase of early implementation of the Law, as well as the phase of monitoring the implementation of the Law. In this way the other part aims to help the victims to recognise and report violence. The campaign and the website target both the victims and the ones who commit violence, but also the professionals and the general public. In this manner everybody is invited to act, stereotypes are overcome and awareness is raised, aiming to recognise violence and report it, which is one form of fighting against violence at home.

Work on amendments to the Criminal Code is a form of implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence, and therefore our Criminal Code – by way of the Law on Amendments to the Criminal Code that was adopted on 23 November 2016, to be applicable as of 1 June 2017, as stated above – introduced, *inter alia*, new criminal offences that protect women, and those criminal offences are: female genital mutilation, referred to in Article 121a; stalking, referred to in Article 138a; criminal offence of sexual harassment, referred to in Article 182a; and criminal offence of forced entry into marriage, referred to in Article 187a.

The Law on Prevention of Domestic Violence provides that this Law, in addition to cooperation of state authorities and institutions aimed at preventing violence at home, also applies to cooperation in criminal proceedings for specific criminal offences. Among the expressly stated criminal offences, Article 4, paragraph 1, point 17 of the Law on Prevention of Domestic Violence mentions the criminal offence of trafficking in human beings (Article 388 of the Criminal Code). This is indeed the great importance of the Law, since it promotes multi-sectoral cooperation between all the authorities that are to assist the victims.

Bearing in mind that the mentioned criminal offence is an offence for which a higher court is competent, and since public action before a higher court is taken by the higher public prosecutor's office, Article 26, paragraph 4 of the Law on Prevention of Domestic Violence provides the following: "if the higher public prosecutor's office is competent for prosecuting the perpetrators of criminal offences specified by this law, the higher public prosecutor shall appoint his deputy, who has completed specialised training, to participate in the work of the group and to chair it".

The criminal offence of trafficking in human beings referred to in Article 388 of the Criminal Code, seen through the prism of the Law on Prevention of Domestic Violence, means that, to begin with, the persons designated to be liaison persons will be appointed in each higher public prosecutor's office, in police departments, higher courts and centres for social work, and such persons are to exchange on a daily basis information and data of importance for detection, prosecution and trial for this criminal offence

(also), as well as for providing protection and support to victims of trafficking in human beings, as provided for by Article 24 of the Law on Prevention of Domestic Violence.

Articles 25 and 26 of the Law on Prevention of Domestic Violence provide for the composition and method of work for the group for coordination and cooperation. In addition to higher public prosecutor's deputy, who is also a chairperson of the group, the members of the group are the police department representative and a representative of the centre for social work. The group has meetings at least once every 15 days, and the minutes of the meeting are to be kept. During these meetings they consider and discuss the cases where protection and support are to be provided to the victims (also) of the criminal offence of trafficking in human beings referred to in Article 388 of the Criminal Code; in addition, an individual plan for protection and support to the victim is developed, and proposals are made to the public prosecutor's office about the measures to finalise the court proceedings. Where needed, such meetings may be attended also by representatives of healthcare institutions, representatives of other legal bodies, associations and organisations, and individuals who provide protection and support to the victims of trafficking in human beings.

Non-discrimination (Article 3)

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

Pursuant to the applicable Constitutional provisions there is no obligation in place to declare ethnicity, so there are no records on this type of data; however, please note that under the applicable legislative framework members of national minorities have their access to rights and services ensured in the manner equal to the one that applies to other victims of trafficking in human beings.

On 3 March 2016 the Government adopted the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period 2016-2025. The Strategy recognises Roma women as victims of domestic violence and violence in partner relationships, as well as of trafficking in human beings, and the measures were provided for advancing the system of prevention, protection, support and reintegration of the human trafficking victims in line with the new Strategy for Combating Trafficking in Human Beings (not adopted yet), which includes the victims of Roma nationality.

By way of competitions of the **Office for Human and Minority Rights** supporting civil society organisations that aim to improve the position and status of the Roma in the Republic of Serbia, more specifically children and young members of the Roma minority, since 2014 the funds from the budget of the Republic of Serbia were used for five projects of the civil society organisations that addressed the problem of trafficking in human beings: "Young Roma women fighting against human trafficking" implemented by CSO (*Udruženje građana*) Ternipe, Piroć; "Say No" implemented by CSO (*Udruženje građana*) "NEXUS", Vranje; "Advancing the position of Roma population through support for preventive measures for suppressing human trafficking and labour exploitation" implemented by Resurs Centre for Sustainable development, Belgrade; "Human trafficking – security of the Roma through preventive measures" implemented by Centre for Social Integration of the Roma; "Advancing the competencies of the Roma men and women for more efficient integration into the local community" implemented by the Organisation for support to local initiatives.

The National Assembly's Committee for Human and Minority Rights and Gender Equality held a public hearing on the topic of "Strategy for Social Inclusion of Roma Men and Women for the period 2016 – 2025: Implementation and Priority Measures for 2017-18". The public hearing was held on 13 October 2016, and it was organised in cooperation with the Action Team of the Regional Cooperation Council in charge of implementing the Roma Integration 2020 Project that provides technical and expert assistance to the governments of the countries of the Western Balkans and Turkey in planning, implementation and control of their public policies concerning the Roma.

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

During 2016 the **Ministry of Interior** – Border Police Directorate, in cooperation with the **International Organization for Migration**, as part of the project "Increasing capacities for addressing irregular migration in Serbia", prepared a handbook entitled "Humanitarian border management –

Standard operating procedures for border police”, and prepared the syllabus and curriculum entitled “Undertaking measures and actions by police officers concerning the migrants in the Republic of Serbia during regular performance of jobs and tasks and in the situation of higher inflow of migrants”. In accordance with the above, 8 training courses were implemented for police officers of the Republic of Serbia Mol. The training was completed by 237 police officers, out of which number there were 205 border police officer receiving training who work directly on securing the state border and control the crossing of the state border and who are the ones to have the first contact with potential victims, and 32 police officers from regional police departments, which strengthened the capacities of border police and regional police departments for prevention and fighting trafficking in human beings, and especially for recognising and taking care of the vulnerable categories of migrants and refugees, including victims of human trafficking.

On 4 April 2016 the **Republic Public Prosecutor’s Office and the Ministry of Interior signed the Memorandum on Cooperation in Combating Human Trafficking**, aiming to establish conditions for efficient operations of the police and prosecutor’s office in order to suppress human trafficking, conduct investigations in human trafficking, and in parallel conduct financial investigations as well, and also to intensify exchange of information with the police services in the region and with the EUROPOL. In order for the cooperation to take place, a permanent task force was established, and they will coordinate further joint activities against human trafficking based on the information collected. Pursuant to the provisions of the Memorandum, signatory parties will submit joint initiatives in case there is a need to amend the relevant legalisation, form task forces or working groups when needed, organise joint training aimed at strengthening capacities, etc. One of the tasks of the Permanent Task Force is to monitor the situation and whether there are elements of human trafficking in the cases processed, and then to inform the Centre for Human Trafficking Victims Protection of any potential victims of human trafficking from among the category of smuggled persons.

The Commissariat for Refugees and Migration is in charge of receiving and accommodation of migrants and asylum seekers; they manage and operate the asylum centres and are competent for integration of the persons granted some form of international protection. The migrants are placed in regular and provisional i.e. temporary centres. In the Republic of Serbia there are 16 centres currently operational (5 permanent and 11 temporary). In 2014 in the Republic of Serbia there were 5 asylum centres that were operational, with 16,500 asylum seekers going through them, while in 2015, due to the increased influx of migrants, there were 579,518 migrants and asylum seekers going through 10 permanent and reception-transit centres.

The draft National strategy for prevention and suppression of trafficking in human beings, in particular women and children, and for protection of victims for the period 2017–2022, recognises asylum seekers (migrants) as a group at special risk of human trafficking. This will create mechanisms that will enable timely recognition of potential victims of trafficking in human beings and their appropriate protection.

Attention has to be paid to the fact that a large number of migrants pass through the centres, and that currently there are 5,828 migrants staying in the centres. For the timely protection of the rights of human trafficking victims among the migrant population one of the most important steps is their early detection, or raising a suspicion that it is the case of human trafficking victim at the time of registration or within the shortest possible time after the registration. Immediately after such a suspicion is raised it is necessary to immediately report it to the police and the **Centre for Human Trafficking Victims Protection**, which is a state body authorised to identify the victims regardless of determining the presence of a criminal offence. From the time the case is reported to the Centre for Human Trafficking Victims Protection the potential victim migrant has support and access to rights in line with the Convention like any other human trafficking victims, in line with the mandate of this institution in the social protection system.

In accordance with the above, the employees in the Commissariat for Refugees and Migration actively participate in all the relevant seminars and conferences dealing with the issues of human trafficking. In addition, the Commissariat participates also in organising seminars and training with the aim of advancing knowledge and skills of the competent persons in fighting human trafficking.

There were four representatives of the Commissariat for Refugees and Migration who took part in two two-day trainings in Belgrade and Pirot on trafficking in human beings and preliminary identification of victims of human trafficking, where special emphasis was placed on the specificities of recognising victims of human trafficking among the migrants. They were organised by the Centre for Human Trafficking Victims Protection and Danish Refugee Council.

Two representatives of the Commissariat also participated in one-day workshop held in Belgrade in May 2016 on the topic of human trafficking during the migrant crisis, organised by the Novi Sad Humanitarian Centre and Terre des Hommes, as part of the project of assistance to vulnerable migrant children and their families.

A representative of the Commissariat for Refugees and Migration took part in the training in Belgrade in June 2016 on the topic of providing support to unaccompanied underage migrants as part of the project "Support to unaccompanied underage migrants in Serbia" organised by the Ministry of Labour, Veteran and Social Affairs. A large part of the training was dedicated to the subject concerning work with children identified as victims of human trafficking or victims of abuse.

Save the children and UNICEF organised three-day training in Subotica in September 2016 on the topic of "Psychological first aid for children" where one of the themes was human trafficking among children; two representatives of the Commissariat were in attendance.

In December 2016 there was a five-day seminar on the topic of "Protection of refugees and migrants" that the Commissariat for Refugees and Migration organised in cooperation with the International Institute of Humanitarian Law from San Remo. On the third day of the seminar Faust Pocar, President of the International Institute of Humanitarian Law, gave a presentation on the topic of human trafficking in the context of mixed movements of migration. The seminar was attended by 15 representatives from the Commissariat who work in the provisional centres for accommodating migrants.

The Standard Operating Procedures for Protection of Refugee/Migrant Children, adopted by the Ministry of Labour, Employment, Veteran and Social Affairs, are applied in the reception centres for migrant accommodation. As part of these procedures the indicators have been defined for raising the suspicion whether a child migrant is a potential victim of human trafficking, and the procedure for reporting for identification has also been defined.

About 20 representatives of the Commissariat for Refugees and Migration attended one-day info sessions for applying the SOP that were held in Preševo, Bujanovac, Šid, Kanjiža, Subotica, Novi Sad and Belgrade.

Educational workshop for the Commissariat employees about the role of Commissariat in preliminary identification of the victims of human trafficking among the migrants will be held in early 2017 in collaboration with the Centre for Human Trafficking Victims Protection and International Organization for Migration.

Note: The Republic of Serbia did not ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

During 2015 and 2016, in collaboration of the UN High Commissioner for Refugees and an NGO Belgrade Centre for human rights, seminars were organised for **misdemeanour judges** in the territory of the entire Republic of Serbia on the topic of not punishing the refugees for illegally entering the county. During these seminars the misdemeanour judges were informed of the risk that among the refugees there may also be potential victims of trafficking in human beings, and that they should inform the competent authorities if they notice some indications. During 2015 there were 11 seminars and in 2016 there were 6 seminars.

Article 62 of the **draft Law on Foreigners** provides that the Centre for Human Trafficking Victims Protection, state authorities, civil society organisations and other relevant authorities should inform the foreigners who might be reasonably believed that they are victims to THB about the requirements for permitting temporary stay and other rights referred to in paragraph 6 of this Article.

During 2016 the **Red Cross** continually implemented the activities of raising awareness of the persons coming from other continents and temporarily staying in our country about potential threats and dangers they may face on their journey and which may result in their being involved into the human trafficking chain. In order to improve self-identification of potential victims of trafficking in human beings, 5,000 refugees and migrants were informed of preventive measures during educational workshops they attended and also by taking leaflets translated into the languages of the migrants (information was translated into Arabic, Urdu, Dari, Pashto, Farsi and English). The content of the leaflet is information on human trafficking and on the telephone number of the Centre for Human Trafficking Victims Protection that they may contact and ask for help. The leaflet will be supplied to the GRETA at a later time.

The **National Assembly** adopted the Law on Employment of Foreigners. The Law provides that a victim of trafficking in human beings is to be issued with personal work permit for the duration of the validity of residence permit (Article 13, paragraph 5).

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

In accordance with the Law on Social Protection (“Official Gazette of the RS“, no 24/11), persons who are victims of trafficking in human beings (Article 41, paragraph 2, point 7) and paragraph 3, point 4; Article 206, paragraph 1, point 9)) are also beneficiaries of the social protection rights and services, including accommodation. Therefore, all victims of human trafficking are provided assistance and protection under this Law, regardless of their gender.

In view of the experiences of the **Centre for Human Trafficking Victims Protection** there are no special measures for advancing the identification of human trafficking victims among the potential victims of male gender. Male victims have access to support services like all other victims. There is a difference in providing adequate accommodation conditions. For the purposes of providing safe accommodation, male victims have access to short-term alternative accommodation, as well as accommodation in social protection institutions.

Training of relevant professionals (Articles 10 and 29)

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

The needs for training in the system of social protection are recognised in several ways: through reviewing the needs for training that is performed by social protection institutions as part of their annual planning for advancing the competencies of the employees; through stating the needs for training at workshops, professional conferences and seminars; through regular practice and work on concrete cases, where lack of knowledge of professionals is detected; through self-reporting of the professionals about the need for training; through analyzing the trends and results and needs assessment with regard to the training of professionals in the centres for social work and with service providers for the services provided by the centres independently, and in other ways. When it comes to needs assessment concerning the needs for training of professionals in other systems, it is based on analysing the situation in the systems and priority fields of action of the centres for social work.

The training organised by the Centre for Human Trafficking Victims Protection was intended for professionals in social protection – case officers, supervisors and managers, professionals employed with service providers, professionals in education – teachers and professional staff at schools, as well as employees in school administrations; police officers, professionals in NGOs, especially the ones who are involved in providing support to migrants.

Through the project “Strengthening the system of identification and support to human trafficking victims” implemented by the International Organization for Migration in partnership with the Centre for Human Trafficking Victims Protection in 2014 and 2015, where the representatives of the Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Education, Science and Technological Development, prosecutor’s offices, as well as renowned individuals and representatives of non-governmental organisations were involved, the National Indicators for Preliminary Identification for the Systems of Police, Social Protection and Education were developed. The training program for applying the indicators was created for all the systems. It was called “Application of indicators for preliminary identification of human trafficking victims” and submitted to the accreditation board in the social protection system for accreditation. For this training program, through the mentioned project, a team of 20 trainers for formed for its implementation. Intensive training was held in 2015, intended for developing the capacities of the employees in social protection, primarily in centres for social work, police and education. During the project 25 two-day trainings were held, and 446 professionals were trained: 196 professionals from the social protection system, 118 police officers and 32 professionals from education.

In 2016 there were 2 trainings held for 80 professionals from the field of education. One of the trainings was held with the support of the Ministry of Education, Science and Technological Development, and the other with the support of an international humanitarian fund - UNITAS. The training was designed in such a manner that the first day of the training was dedicated to the phenomenon of trafficking in human beings, and the other day was of practical nature and dealt with applying the indicators.

The program for the training “Protection of children against human trafficking in education” was developed as a result of the work on improving prevention in education against children trafficking. The

training programme was developed as part of the project "Prevention against risk of trafficking in human beings, children and youths in Serbia" that was implemented in the partnership of the Ministry of Education, Science and Technological Development, Centre for Human Trafficking Victims Protection, and the UNITAS Humanitarian Fund. Under this training programme 125 teachers and professional staff in the field of education were trained, and there were 3 two-day trainings for two groups of participants. The training included representatives from all 17 school administrations. For this programme a handbook for the education system was developed and printed, entitled "Protecting children from human trafficking". In addition, there was also a practicum to accompany the handbook for the education system entitled "Protecting children from human trafficking" that included already developed workshops for sensitising the teachers, parents and children to trafficking in human beings, as well as adapted contents intended for the professionals that successfully completed training under the mentioned programme. In addition, there were also working materials for implementing the workshops, and an educational film "Observers" was made as well. The programme of the training was created by the team of authors, four experts in all, two from the social protection system and two from the education system. As for the team of authors and consultants working on the making of the film "Observers", it was much larger and included experts from the Centre for Human Trafficking Victims Protection, Ministry of Interior, Ministry of Education, Science and Technological Development, and others.

Two trainings for professionals in social protection were held under the accredited programme for training related to trafficking in human beings "Support to human trafficking victims in social protection system – identification, needs assessment and support planning" of the NGO ASTRA, where one of the trainers was a representative of the Centre for Human Trafficking Victims Protection. The programme was implemented in Belgrade and Novi Sad – there were 2 two-day trainings for about 50 participants. The trainings were held also in February and April of 2016.

In addition to these trainings that are of importance for the system, the representatives of the Centre for Human Trafficking Victims Protection have independently, or as one of the lecturers, implemented or participated in the following trainings and professional gatherings:

At the panel discussion "Stop Modern Slavery", held in Pirot in mid-May 2016, a representative of the Centre for Human Trafficking Victims Protection participated as a lecturer on the phenomenon of trafficking in human beings;

At the professional gathering for employees in the social protection system and NGOs providing support to unaccompanied underage migrants in Serbia, a representative of the Centre for Human Trafficking Victims Protection held a lecture on the topic of "Work with children identified as human trafficking victims or abuse victims". The gathering was organised as part of the collaboration between the Ministry of Labour, Employment, Veteran and Social Affairs and the Swiss Cooperation Office in Serbia – SDC;

At the professional gathering "Challenges of Migrant Crisis – Lessons Learned" a representative of the Centre for Human Trafficking Victims Protection participated as both a facilitator and a lecturer. The gathering was organised by the Ministry of Labour, Employment, Veteran and Social Affairs, Commissariat for Refugees and Migration, UNHCR, and SOS Children Villages Serbia;

At the conference "Security and Responsibility" organised by the Fund Tijana Jurić in October 2016 a representative of the Centre for Human Trafficking Victims Protection held a lecture entitled "Characteristics of trafficking in human beings in the Republic of Serbia";

At the specialist course for the police organised by the Ministry of Interior of the Republic of Serbia, a representative of the Centre for Human Trafficking Victims Protection held a lecture entitled "Identification and protection of human trafficking victims and mechanism of referral and cooperation with the NGOs";

A representative of the Centre for Human Trafficking Victims Protection held a lecture on trafficking in human beings at the panel discussion "Vulnerability of Migrants – Protection from Human Trafficking" organised by the Student Union of the Faculty of Political Sciences and the Red Cross of Serbia;

At the international training organised by the International Federation of Red Cross and Red Crescent Societies and the Red Cross of Serbia "Training of Trainers on Anti-trafficking" for volunteers from the mentioned organisations from the Mediterranean countries, a representative of the Centre for Human Trafficking Victims Protection was a lecturer on the topic of identification, support and referral of human trafficking victims;

As part of the project "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" organised by the Ministry of Health and the Institute for Public Health and

supported by the UNICEF, there was a two-day training held for female health mediators. On the second day of the training the experts from the Centre for Human Trafficking Victims Protection worked with the mediators, providing them training on the topic of “Work with women victims of human trafficking”.

In October 2012 in the **public prosecutor’s office** specialisation for criminal prosecution of human trafficking was introduced by way of designating, in all higher public prosecutor’s offices in the Republic of Serbia, public prosecutors or deputy public prosecutors to be contact points for human trafficking cases, and such persons are especially trained for this area of work; they act and coordinate work in the cases of trafficking in human beings. Specialised training for prosecutors is implemented as part of the Judiciary Academy syllabus, and also as part of the cooperation with civil society organisations Astra and Atina, in line with the expressed needs concerning the new methods of committing this criminal offence or any difficulties in detecting and providing evidence for this criminal offence.

In the **Ministry of Interior**, in accordance with the work plans and available funds in the budget, the Program of Basic Police Training is implemented, as well the Program for Further Professional Development of Police Officers and Program of Specialist Training of Police Officers who work on such tasks under the job classification and systematisation. The Department for professional development and training is part of the Sector for Human resources of the RS Ministry of Interior and it is the department that is the most responsible for the mentioned training.

The syllabus and curriculum of basic police training in Sremska Kamenica, as part of the module “Crime Suppression”, include modular units “Providing support, protection and assistance to the victims” (*vulnerable groups in law enforcement*). A part of the mentioned units is the lesson about “Human trafficking and illegal migration” that is taught over four teaching hours, where the topics taught provide knowledge and skills to the attendees of basic police training related to detecting and solving human trafficking-related crimes and to working with the victims.

In 2014 there were two groups or classes of trainees (10th and 11th classes) of Basic Police Training, and the training was attended by the total of 570 trainees (445 men and 125 women). Out of the total number of trainees, the training was completed successfully by 568 trainees (443 men and 125 women).

In 2015 two classes started (12th and 13th), but they were completed in 2016 as follows:

- 12th class had 287 trainees (209 men and 78 women) and out of the total number the training was successfully completed by 283 trainees (205 men and 78 women).
- 13th class had 261 trainees (187 men and 73 women), and so far out of the total number the training has been successfully completed by 256 trainees (183 men and 73 women).

The program of **basic police training** allows for resit exams for the trainees failing the final examination, and that is why the number given is not the final one.

Under the Programme of the specialist course for fighting human trafficking, issued by the Minister of Interior (No 01-236/12-10 of 8 October 2012), professional skill development of police officers is carried out, aimed at efficient and effective performance of the tasks of fighting human trafficking.

The second class of the specialist course in acting against trafficking in human beings involved 15 police officers, and they attended the course in the period from 24 to 30 October 2016. The trainees were police officers from the Border Police Directorate, Police Department for the City of Belgrade, Directorate for Foreigners and Department for Public Order and Peace, and regional centres of border police on the borders with Hungary, Romania, North, South, as well as borders with Montenegro and Bulgaria.

The teachers and lecturers at the course were police officers from organisational units of the Ministry of Interior who have acquired the competencies of a trainer in the area of action against trafficking in human beings.

All 15 police officers successfully passed the final test and now they hold the Certificate on successfully passing the specialist course in action against human trafficking.

According to the implementation plan for the **Program of further professional development of police officers of the Republic of Serbia Ministry of Interior**, the following seminars, organised by the Department for professional development and training, were held in the period 2014 - 2016:

- Legal provisions regulating the issues of human trafficking, illegal migration and people smuggling (attended by the total of 211 police officers in the mentioned period);
- Enforcement of the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles and other legal regulations (attended by the total of 505 police officers in the mentioned period);

- Police treatment of juvenile criminal offenders and underage injured parties in accordance with the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles (attended by the total of total 186 police officers who were granted certificates for treating underage persons).

The **Academy of Criminalistic and Police Studies**, as an independent institution of higher education for providing academic and vocational study programs of all levels for the needs of police education as well as other forms of professional development and further professional development, is of importance for criminalistic and police activities as well as security activities.

During 2016 there were 116 students of the fourth year of academic studies of criminalistics at the Academy of Criminalistic and Police Studies who studied, as part of their regular curriculum for the subject concerning illegal migrations and human trafficking, also numerous topics of importance for understanding different aspects of human trafficking. In addition to the regular teaching staff for the subject, professionals and experts from relevant institutions of the government sector and civil society organisations also participated in teaching and lecturing. All of this was carried out through the total of 75 teaching hours and also by relying on the textbook whose authors are employed at the Academy of Criminalistic and Police Studies and which was published by the Academy of Criminalistic and Police Studies.

Moreover, during 2015 there were 61 students who studied numerous topics of importance for understanding various aspects of trafficking in human beings, while during 2014 there were 58 students studying the mentioned topics.

Every year the number of students interested in the subject of illegal migrations and human trafficking is on the rise.

In August 2016, using the funds collected through the Appeal for helping the migrants in Serbia, the International Federation of Red Cross and Red Crescent Societies held three trainings for 60 members of national disaster response teams of the **Red Cross of Serbia**. The participants were volunteers and professionals who may, during their providing assistance to migrants, come into contact with a victim of trafficking in human beings. The trainings entitled "Contact with human trafficking victim among migrants – how to identify and react" provided a better understanding of the term 'human trafficking' to the attendees and informed them of the indicators for recognising the victims of human trafficking. Special emphasis was laid on the vulnerability of irregular migrants in terms of falling into the human trafficking trap on their way to their desired destination, and on the role of the professionals who should contribute to prevention and putting a stop to trafficking in human beings. Evaluations of the seminars implemented stress the need for such training for all the persons involved in providing assistance to the migrants, and in particular for the personnel of the tracing service and staff included in all the disaster response teams of the Red Cross.

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

As was already stressed in the reports for the GRETA, Article 388, paragraph 3 referring to the criminal offence of human trafficking in the Criminal Code of the Republic of Serbia specifies a special, more serious form of committing this particular offence. It is laid down that if trafficking in human beings is committed in such a way as to involve a minor, the penalty is at least five years of imprisonment, which under the general provisions of the Criminal Code means that the penalty may be from 5 to 20 years of imprisonment, and for this particular crime there is no possibility that the penalty may be more lenient than the one laid down by the law. According to our legislation minors are persons who are under the age of 18, which includes children as well.

The Law on Social Protection recognises children victims of trafficking in human beings as beneficiaries of the social protection services (Article 41). Thus they are allowed to exercise all the rights and receive services from the social protection system. In addition to the measures of protection under family law, victims of human trafficking are, under the conditions specified by the law, granted the opportunities to exercise their right to one-off financial assistance, the parents of the child are entitled to child allowance and other payments, as well as to the services of the therapist working with the entire family, and also adequate legal assistance in addition to timely informing the child victim of their rights.

As for investigating the criminal offence of trafficking in human beings where the victims are children, there are no special units in the Ministry of Interior, and the main role in identification, support, care and protection are played by the centres for social work as guardianship authorities. The centres for social work apply their own professional procedures as envisaged by the Rulebook on organisation, norms and standards of operation for centres for social work and they always take care of the best interest of the child. The Law on Social Protection specifies that all the social protection services are provided in accordance with the best interests of the beneficiaries.

The Law on Amendments to the Criminal Code introduced some modifications to certain provisions that refer to the crimes of showing, procuring and possessing pornographic material and exploiting minors for pornography (Article 185, paragraphs 5 and 6), taking away the minor (Article 191), change in family circumstances or status (Article 192, paragraphs 2 and 3).

In Serbia special attention is paid to prevention of trafficking in children. In 2016, in the partnership of the Ministry of Education, Science and Technological Development, Centre for Human Trafficking Victims Protection and UNITAS Humanitarian Fund, the project entitled "Prevention of risk of trafficking in children and youths in the Republic of Serbia" was implemented with the support of the Ministry of Labour, Employment, Veteran and Social Affairs. Within the framework of this partnership a long-term cooperation in education was started between the systems of social protection and education concerning protection of children from human trafficking. This cooperation, through the implemented activities as part of the project funded by the UNITAS Humanitarian Fund, resulted in significant achievements – according to preliminary data for all 17 school administrations, the activities were implemented in 589 schools (the project planned for 300), about 6,273 teachers, 53,526 students and 4,190 parents were involved, and the media informed the general public. The educational film on trafficking in human beings entitled "Observers", which will be used in workshop activities with the children and youths in schools in order to inform them of the issue of human trafficking, premiered at the RTS (Radio-Television of Serbia, national broadcaster) on 18 October 2016, and the estimates are that the film was seen by about 30% of the citizens of Serbia. Teachers, professional staff at schools and parents show a high level of interest for continuation of these activities and for further training.

In accordance with the point 3.6.2.23 of the Action Plan for Chapter 23 – Judiciary and fundamental rights, the National report on determinants and factors of violence against children in Serbia was prepared, and it was presented at the consultation meeting on 14 December 2016 in Belgrade, organised by the UNICEF office in Belgrade and the Development Initiative Group - SeConS.

During 2016, as part of the project "Advancing inter-sectoral cooperation in protecting children from violence", and organised by the civil society organisation Centre for Children's Rights in Belgrade and UNICEF Belgrade office, meetings were held in Niš and Kragujevac aimed at establishing and strengthening inter-sectoral teams for protecting children from abuse and neglect in Aleksinac, Svrlijig, Knjaževac, Zaječar, Kraljevo, Vrnjačka Banja, Trstenik and Paraćin, with the objective of consistent implementation of the General Protocol on Protection of Children from Abuse and Neglect.

After signing the Agreement on Cooperation between the City of Belgrade, Ministry of Interior and Save the Children (on 29 March 2016), the Working group for prevention and protection of children from violence and of children living and working on the streets of the City of Belgrade started drafting the Protocol on activities of the authorities, institutions, official persons and professionals in situations of working with children living and working on the streets of the City of Belgrade, which was adopted on 18 November 2016. The training for the implementation of the mentioned Protocol was held in Belgrade on 14 and 15 December 2016, organised by the Council for Children's Rights of the City of Belgrade and Save the Children.

Since 2015 Serbia has been one of the ten countries included in the global project of the International Labour Organization, CLEAR, financially supported by the US Department of Labor in the amount of about USD 300,000, aiming to suppress child labour in Serbia. During 2015 the RS Labour Inspectorate actively participated in preparatory activities related to the implementation of the above mentioned project whose official name is "Country-level Engagement and Assistance to Reduce Child Labor". In addition to the RS Labour Inspectorate, the representatives of the centres for social work, Ministry of Interior, Centre for Human Trafficking Victims Protection, Ministry of Education, Science and Technological Development also participate in the mentioned project. Project activities include the analysis of legal instruments related to child labour issues, developing recommendations for their advancement in line with international standards for child labour issues, organising consultation workshops for representatives of the government institutions, trade unions, employers' associations and civil society, and also planned is the preparation of materials, developing programs and implementing

training for labour inspectors and representatives of the institutions relevant for child labour issues on the topics of detection and prevention of child labour and combating trafficking in children.

During 2017 the training of trainers will be implemented which is intended for labour inspectors (focal points) in each of the administrative districts and in Belgrade. The training will cover combating child labour and include combating child trafficking. Also planned is the development of the study on exploiting children and child labour, with emphasis placed on abusing children for begging and for pornographic purposes, as well as the development of a comprehensive National Strategy and National Action Plan for combating child labour, including its worst forms. Mapping and analysis of the present national and local social programs and policies concerning child labour, victims of child trafficking and vulnerable groups such as Roma children will also be performed, and recommendations will be developed for coordinating and applying these policies and programs in the optimal manner. Instruction for activities of the labour inspectors in cases of children engaged for the worst forms of child labour and in cases of victims of trafficking in human beings will also be developed.

One of the project activities is the preparation and implementation of a pilot program for rehabilitation of the Roma children through taking them off the street and motivating them to return to schools.

As part of the mentioned CLEAR project, among other things, a proposed checklist was developed for conducting inspection in child labour, and the rationale for the checklist was also prepared. In the next period the checklist will be submitted to the Ministry of Public Administration and Local Self-government, i.e. to the Coordination Commission, in order for it to be approved.

Pursuant to the Law on Inspection Oversight the checklist will be used at times of regular inspection visits concerning employment and labour and will constitute an integral part of the protocol on the inspection completed. A form for extraordinary or *ad hoc* inspection has also been prepared, and it includes all the relevant issues related to child labour.

The proposal of Special protocol for labour inspection and of training program has been developed. Joint training is planned – for the representatives of labour inspection, police and centres for social work (it will be implemented in the period March – June 2017), and it aims to provide information on abuse of child labour to labour inspection, police and centres for social work and to improve their mutual communication and cooperation in the situations of identifying children victims of child labour.

In December 2016 a consultation workshop was held as part of the project “Country-level Engagement and Assistance to Reduce Child Labor” – inter-sectoral collaboration in protecting children against child labour abuse, where the participants were the representatives of the Ministry of Labour, Employment, Veteran and Social Affairs – Labour Inspectorate and Sector for family care and social protection, representatives of the centres for social work, Ministry of Interior and the Centre for Human Trafficking Victims Protection.

In the period from 2014 to 2016 the **Ministry of Trade, Tourism and Telecommunications** implemented the projects “Click Safely” and “IT Caravan” aimed at informing and educating children, parents and teachers about the proper way of using the internet and about internet-related risks that may threaten the safety of children. Through education activities attention was also paid, *inter alia*, to the dangers of trafficking in human beings online, which is especially threatening for children. Under the project “IT Caravan”, part of the educational campaign “Smartly and Safely”, in the period from 20 April to 3 June 2016 presentations were held in schools in 15 towns in Serbia having the largest number of inhabitants and with the highest percentages of young people from 10 to 19 years old, and the project was promoted at town squares. School presentations were attended by almost 5,000 students of senior years of primary schools (11-15-year-olds), while at the town squares the promotions of this project were seen by several thousand people.

The Government of the Republic of Serbia adopted the Regulation on safety and protection of children using information and communication technologies (“Official Gazette of the RS”, no 61/16 of 7 July 2016), which regulates preventive measures for the safety and protection of children when they use information and communication technologies, i.e. when they are online. In addition, also regulated are the actions to be taken in case of threatened or violated safety of children when online, as well as the cooperation of state authorities concerning this issue.

The Regulation provides that the Ministry of Trade, Tourism and Telecommunications is to undertake preventive measures for the safety and protection of children related to the internet as activities of public interest, through informing and educating children, parents and teachers, as well as by establishing a single point for providing advice concerning internet safety of the children. Accordingly, the Ministry will continue in the period to come to implement educational activities in schools all over the

Republic of Serbia, and through the contact centre it will be possible to provide advice on advantages and risks related to the internet, as well as on the way to use the internet safely.

As was previously mentioned in the response to the GRETA related to recommendation no 11, during 2016 the **Ministry of Trade, Tourism and Telecommunications**, bearing in mind the above, supported the project “Hundred schools for pain-free childhood” proposed by the Centre for education and prevention of social pathology “Dorotej” from Belgrade, whose aim was to raise the awareness of schoolchildren about the dangers of using the internet and how risky situations may be recognised, especially with regard to recruiting on social networks related to exploiting children, which is the subject matter of the book “Armageddon” written with the support of the police and school psychologist.

During the first half of 2016 the author of the book “Armageddon”, supported by the Ministry of Trade, Tourism and Telecommunications, visited more than a hundred schools and participated in panel discussions attended by about 10,000 participants and presented to the children and educators the dangers of using the internet and how to be protected.

Furthermore, in late 2016 and early 2017, the activities were continued, and so far about 1,500 participants attended panel discussions in schools on the subject of internet safety, risks of exploiting children and child trafficking, and measures of protection.

8. What practical measures are taken to reduce children’s vulnerability to trafficking and create a protective environment¹ for them, including through:

- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;

During 2016 in the Republic of Serbia a new system of administrative procedures related to the birth of children started, and it applies to all newly born children, including children from socially vulnerable groups.

The bottom line is that parents of newly born children may state the first name of the child and that the newly born child, even without the parents going to the registrar’s office, may be entered into the birth register and into the register of citizens of the Republic of Serbia, provided the requirements for the newborn child to obtain the citizenship of the Republic of Serbia by origin have been met. In addition, the defining of the unique citizen registration number (*JMBG*) for the newly born child allows for the registration of the domicile of the child and application and registration of the child for health insurance during the time spent at the healthcare institution – the maternity hospital.

In this regard the Ministry of Interior issued the Rulebook on Amendments to the Rulebook on registering and deregistering domicile and residence of the citizens, reporting a temporary stay abroad and return from abroad, registering domicile and residence addresses as incorrect, on the form templates, and on the methods of keeping records (“Official Gazette of the RS”, no 3/16), which makes it possible that defining the unique citizen registration number for a newborn child whose both parents are citizens of the Republic of Serbia and have their domicile registered at the same address is considered to automatically be the application and registration of domicile of the newly born child at the address of the child’s parents, and also that the parents with different registered domicile addresses may apply for registration of their newborn child in the healthcare institution – the maternity hospital by completing the form for registering the child’s domicile.

The principle of providing administrative services under the “one-stop shop” principle is in line with modern trends in public administrations of the EU member states.

Furthermore, the Ministry of Interior, as part of its competences, actively participates in implementing the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period from 2016 to 2025; most of them belong to socially vulnerable groups, and the Ministry is active in the area of issuing personal documents that are necessary for exercising their social, healthcare and other rights.

It was through the legal norms of the Law on Amendments to the Law on Identity Card (“Official Gazette of the RS”, no 36/11), the Law on Domicile and Residence of the Citizens (“Official Gazette of the RS”, no 87/11), the Rulebook on the form of application for registration at the address of an institution or centre for social work (“Official Gazette of the RS”, no 113/12), as well as the Rulebook on the procedure for

¹ The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children’s rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children’s rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children’s life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

registering and deregistering domicile and residence of the citizens, reporting a temporary stay abroad and return from abroad, registering domicile and residence addresses as incorrect, on the form templates, and on the methods of keeping records ("Official Gazette of the RS", no 68/13, 106/13 and 3/16), the adoption of which was initiated by the Ministry of Interior, that the mechanisms were created to facilitate access to personal documents, including registration of domicile at the address of a centre for social work for the citizens of the Republic of Serbia, mostly members of the Roma population with no registered domicile on some other legal grounds, provided that the requirements laid down by the law have been met.

In this manner there are possibilities that after official registration of the parents who could not previously exercise their right to register their domicile and their right to personal documents, their children may now also be entered into official registers.

In addition, the Ministry of Interior contributes to solving the problems of members of socially vulnerable groups, most of them belonging to the Roma population, by applying the Law on Citizenship of the Republic of Serbia under summary procedure and deciding on their applications for citizenship so that they could, based on the citizenship certificate, be able to exercise the right to personal documents and other rights as guaranteed by the Constitution, as well as the right to register their children in the citizenship records of the Republic of Serbia.

b. raising awareness of THB through education;

By way of **continual implementation** of information workshops throughout 2016 in the towns and municipalities all over the Republic of Serbia held by 820 active young people – the Red Cross educators, about **70,000** children and youths, members of the vulnerable groups, students of primary schools, students of secondary schools, university students, persons with development disabilities, children without parental care, persons of Roma nationality and beneficiaries of soup kitchens, received preventive messages aimed at protection from trafficking in human beings. Through intensified educational activities and also by organising public events, it was only in the month of October 2016, the month of prevention of human trafficking, that **96** organisations of the Red Cross in the towns and municipalities all over the Republic of Serbia conveyed the information on the dangers of human trafficking and on the measures of prevention and protection to more than **25,000** individuals. Underlining the risk of human trafficking related to migrants, a large number of activities were aimed at informing the youths in Serbia about the risks of travel and the need to undertake appropriate precaution measures.

c. training professionals working with children.

The system of education and upbringing recognised its role, importance and potential for working on the prevention and awareness raising about the importance of different activities that contribute to raising the awareness about trafficking in human beings and possibilities of protecting the children and young people from human trafficking. For this important task it was necessary to provide training to the employees in the system and for them to acquire specific knowledge about this issue and to understand their role and responsibilities.

The Ministry of Education, Science and Technological Development participated as a partner in the project of the International Organization for Migration – IOM, "Strengthening the system of identifying and protecting human trafficking victims", that was implemented in 2014 and 2015, and in partnership with the Centre for Human Trafficking Victims Protection and the Serbian Ministry of Interior took part in developing and implementing the National indicators for preliminary identification of human trafficking victims in Serbia. Under this project national indicators were developed for preliminary identification of victims of human trafficking in education as well.

The indicators enable the employees in educational institutions to recognise more easily the symptoms that may point to human trafficking and to contact the reference institutions after detecting the indicators. The indicators are adjusted to daily work and functioning of the employees in education. The indicators are organised according to the areas of behaviour / situations that may point to trafficking in human beings and include the following areas that are of relevance for human trafficking and the education system:

1. Behaviour of the student at school
2. Behaviour of parents in the school

3. Health status of the student
4. Appearance of the student
5. General conduct of the student
6. Communication and content of communication
7. Establishing relationships and socialising
8. Family life, living conditions of the student
9. Self-identification.

Under the project, training for applying the indicators was held In May and June 2015, and a number of professionals from education took part (32). In December 2015, in cooperation with the Centre for Human Trafficking Victims Protection, the first training for applying the indicators was held for the employees in the education system (representatives of the Ministry of Education, Science and Technological Development and employees in schools). Later on another group of employees in the education system, made up of representatives of the Ministry of Education, Science and Technological Development and employees in schools, received training, so that now the total number of trained people is 80 from the territory of the Republic of Serbia – thus in every school administration (organisational unit of the Ministry of Education) there are people who are trained for applying the indicators. Some of them are experts for protecting the children from violence and they coordinate this activity in the territory of the given school administration. The objective was for this group of people to be trained for working in the schools that are under the school administration they belong to.

After all these awareness raising activities among the educators about the problem of human trafficking, today the prevention of child trafficking is subject to special care and attention. Thus, in 2016, in the partnership of the **Ministry of Education, Science and Technological Development, Centre for Human Trafficking Victims Protection**, and UNITAS Humanitarian Fund, the project entitled “Prevention of risk of trafficking in children and youths in the Republic of Serbia” was implemented, supported by the Ministry of Labour, Employment, Veteran and Social Affairs. This partnership provided a framework for long-term cooperation between the education system and social protection system with regard to prevention of child trafficking in education, which, through implemented activities under the project funded by the UNITAS, had significant results. It was under this project that the educational film on human trafficking was made, entitled “Observers”, which is used in workshops with children and young people at schools in order to inform them of the problem of trafficking in human beings. Teachers, professional staff and parents show a high level o interest for the continuation of these activities and further training and active participation.

In line with the project, the team of authors, experts and professionals from social protection and education systems was formed, and they developed a program for two-day training called “Protection of children and youths in the education system from human trafficking”, and they are also providing the training. In July and August 2016, 80 teachers, members of professional staff from schools and representatives of school administrations / coordinators for protection from violence completed the mentioned training. In addition, action plans were developed that were incorporated into the annual work plans of schools and programs for protecting students from violence. In such a manner the preventive activities in the area of protection from human trafficking become an integral part of the school activities.

In the period of September, October and November of 2016 numerous activities were implemented in **589 schools** in Serbia, and they included the following numbers of teachers, students and parents:

6,273 teachers
53,526 students
4,190 parents

Some of the implemented activities are the following:

- ✓ polls about the knowledge of the general public on human trafficking,
- ✓ disseminations of flyers/leaflets on human trafficking at the squares, in the parks, in the local communities and in the vicinity of schools,
- ✓ forum theatre,
- ✓ walking advertisements,
- ✓ simulating a human trafficking chain,
- ✓ taking a snapshot of the attitudes and knowledge on the topic, preparing posters,
- ✓ poster exhibitions in school lobbies,
- ✓ film “Two Little Girls” shown during form teachers’ lessons,
- ✓ texts and articles published in local newspapers,
- ✓ thematic board displays were developed,
- ✓ lectures and presentations were given during meetings of teaching staff, student parliaments, parents’ councils,
- ✓ school teams for protection from violence received training,
- ✓ interviews were given for local media,
- ✓ film “Observers” premiered at the national broadcaster RTS and during the training of employees in school administration it was recommended to all the schools; therefore, after the film was shown it was discussed in class, etc.;
- ✓ cooperation with the NGOs and the Red Cross (peer education), NGOs Astra, Atina;
- ✓ 18 October, the EU Anti-Trafficking Day, was marked!

On 5 December 2016 the Conference “Protecting Children and Youth in Education System – Experiences and Challenges” was held in Belgrade, and the participants from all over Serbia exchanged their experiences there.

In December 2016 at the Faculty of Sport and Physical Education training was held for physical education teachers - **47** teachers completed the training “Prevention of trafficking in children and youths” that was specially adapted for physical education teachers.

The Handbook for education system, “Protecting students from human trafficking” was developed. It was printed in 7,000 copies and every school in Serbia will receive several copies of the Handbook.

Practicum with workshops was also prepared, and the trainers who have completed training will use it for training the employees in schools and students.

A set of three workshops was prepared, aimed at actively discussing and analysing the film “Observers”.

The **National Assembly** and its working bodies had a number of activities related to protection of children. Some examples are provided below.

On 20 October 2014 there was a public hearing of the National Assembly Committee on the Rights of the Child held on the topic “25 years from the adoption of United Nations Convention – solving the problem of children living and working on the street”.

On 10 December 2015 a public hearing of the Committee on Labour, Social Issues, Social Inclusion and Poverty Reduction was held on the topic “Protection of children in Serbia – from the law to implementation”.

In addition, the National Assembly and its working bodies, as well as the Women's Parliamentary Network, dealt with other issues of protecting children, among other things preventing sexual abuse of children, especially in collaboration with the Incest Trauma Centre, as well as protection from abuse of children on the internet, etc.

Members of Parliament participated in international conferences dedicated to these issues, such as the conference on children living and/or working on the street which was held on 16 April 2015 in Sarajevo, Bosnia and Herzegovina, organised by the Regional Network for Children and Youth Living and/or Working on the Street, in cooperation with Save the Children.

Raising awareness on human trafficking through education events was already discussed, particularly with regard to the program of prevention of child trafficking in the education system. In addition, special attention was paid to understanding the phenomenon of unions of minors – “marriages” and forced marriages; two surveys at the national level were carried out by civil society organisations and they provided recommendations for the necessary measures and activities to fight this type of human trafficking.

The activities aimed at protecting refugee/migrant children that involve professionals and experts in social protection, although focused on protection of migrant children, also contain a set of guidelines

and defined procedures that refer to protection of children victims of human trafficking as well. Standard operating procedures for protecting refugee/migrant children, guidelines for professionals in the centres for social work concerning the assessment of the best interest of the child, deciding on the best interest and protection of children in line with the best interest, also refer to children who are victims of trafficking in human beings. What is currently underway in the social protection system is the development of the concept of foster care for refugee/migrant children.

Continuation of the program for protecting children from human trafficking in the education system and further training of the professionals in this system, as well as implementation of preventive activities, have been planned for 2017. In the social protection system the Instruction of the Ministry of Labour, Employment, Veteran and Social Affairs is in effect, concerning the procedure for monitoring the instances of domestic and partner violence, as well as the response of the system and protection of women and children who are victims of this form of violence.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

It is the practice of all institutions in the social protection system dealing with victims of trafficking in human being that always, in case of a doubt about the age of the person who is a human trafficking victim, and where there are reasons to believe that the person is a child (the appearance of the person, the person's express statement to that effect, and other circumstances), such a person is to be considered a child.

The police act in accordance with the Law on Police and apply their authority in order to carry out an identity check or establish the identity.

At the all the above mentioned seminars, it is always pointed out to the judges, police and prosecutors that in accordance with international standards and conventions, in case of any doubt, the person is to be considered as a minor, i.e. a child, until proved otherwise.

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests² are duly taken into consideration, in particular when it comes to:

a. identification of child victims of trafficking;

Taking into account that the Centre for Human Trafficking Victims Protection is in charge of the formal identification of the victims, the Centre creates and develops the identification process in the way ensuring the protection of the best interests of the child. To this end, the work on the identification procedures, use of interviews and other instruments for assessment, development of skills of communication professionals and establishing a trust-based relationship with the child, and also on the skill of empowering the child for taking part in court proceedings as a witness, is in progress. The procedures will be adopted in the first half of the year 2017. Special attention is paid to the participation of the child in his/her right to form and state his/her own opinion.

² "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

- b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;

Within the Standard Operating Procedures for the Protection of Refugee/Migrant Children are defined basic steps for appointing a legal guardian of an unaccompanied minor. A project led by the NGO IDEAS, implemented in partnership with the Ministry of Labour, Employment, Veteran and Social Affairs, supported by the International Rescue Committee – IRC is in progress, and one of the activities within the project is drawing up the Guidelines for Legal Guardians in the Protection of Refugee/Migrant Children, which applies also to the migrant children who are presumed victims of human trafficking. In the protection of refugee/migrant children, the issue of legal guardianship is agreed in cooperation with a competent centre for social work. Within this project, the other component is drawing up the Guidelines for Case Management in the Protection of Refugee/Migrant Children, designated for centres for social work. Both documents should be finalized by the end of February.

- c. locating the child's family;

The Serbian Red Cross Tracing Service helps the family members who are separated by war, disasters or migrations to restore and maintain the contact. Through the Red Cross Tracing Service, the children separated from their parents may initiate the procedure of looking for their parents and relatives outside the territory of our country. In this field, the Serbian Red Cross Tracing Service, in addition to the cooperation with national authorities and institutions in Serbia, also collaborates with other national Red Cross and Red Crescent societies, International Red Cross Committee and Central Tracing Agency in Geneva. Quite often this activity assumes elements of family reuniting.

The Red Cross Tracing Service and the UNHCR are in charge of family locating. The centre for social work collaborates with these organisations in family locating. The role of the centre in these procedures is to assess the extent to which such contact and reuniting of the child with his/her family is in the best interests of the child, and thereafter to take part in reuniting the child with the family. If it is decided that the reuniting with the family is in the best interest of the child, the child's legal guardian and case manager shall organise and monitor the contacts between the child and the family and taking up the child by the family, and shall undertake any activity to ensure the fulfilment of the best interests of the child, and shall also ensure that the entire process is implemented in accordance with the rights of the child.

Since 2012, the non-government organisation ASTRA has been operating the accredited European telephone number for missing children 116000 in the Republic of Serbia, and for this purpose is signed the Memorandum of Cooperation with the Ministry of Interior, as mentioned in the question 58. Activities are undertaken, inter alia, on locating a child's family by telephone. Between 2012 and the end of 2016, a total of 1,759 calls were received on this telephone number and 81 children were reported missing, as well as 181 babies missing from Serbian maternity hospital (these are mainly old cases). The reported cases predominantly concerned the children who run away from home, children not accompanied by parents, children missing otherwise, and parental kidnapping.

- d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;

The Centre for Human Trafficking Victims Protection in all cases of work with the children victims of trafficking, where the media are interested in the specific case, seeks to protect personal data of a child and, if necessary, prevent that the child's personal data are made known to the public.

Concerning the attitude towards the children victims of human trafficking, the Code of Ethics of Serbian Journalists clearly specifies the way in which the journalists should act. The section 5 of the Code of Ethics of Serbian Journalists, relating to the responsibility of journalists, prescribes that journalist shall observe and protect the right and dignity of children, victims of crime, disabled persons and other vulnerable groups.

The section 7 relating to the privacy observance, prescribes that, when reporting about accidents and criminal offences, it is not allowed to publish the names and photos clearly identifying either the victims, or the perpetrators. Also, it is not allowed to publish any information, which could indirectly disclose the identity, before such information is officially communicated by competent authority.

The Radio Television of Serbia – National Public Service has its internal recommendation for its journalists to take care to interview minors only upon the prior consent of their parents, and to hide the identity when the children victims or the perpetrators of criminal offences are concerned. Also, concerning adult victims of THB, the recommendation of the Radio Television of Serbia is that they shall be always offered identity concealing.

- e. access to appropriate and secure accommodation, education and health care;

When deciding on accommodation of a child, who is the presumed or identified victim of human trafficking, the Centre for Social Work or the Centre for Human Trafficking Victims Protection will select the form of accommodation, based on their joint assessment of the best interest of the child at that point, with the child's participation, and of the form of accommodation which would be the most useful to the child and would meet the child's needs, within the existing accommodation resources available to the system. A special attention is paid to the safety of accommodation of the child victim of THB. Conditions for accommodation of children victims of THB within the existing resources (children's shelters, institutions for children's accommodation, foster families) meet the basis needs of the children, and are in accordance with adopted standards for children's accommodation services in Serbia. In Novi Sad is under construction a shelter for children victims of THB, with the capacity of 16 beds.

For all the children victims of THB, in the context of their protection, health care and education are regulated within the children protection plan. Health care is provided to all the children, either through the health care system or through the treatment at private health care offices, where necessary. All the children have a possibility to be included in education, ranging from elementary school to higher education, and occupational training/retraining programs are also available to them. Currently, two identified victims of THB are students at higher education institutions.

- f. issuing residence permits for child victims of trafficking;

Article 62 of the Draft Law on Foreigners prescribes that, if the presumed victim is an unaccompanied minor foreigner, the competent authority, taking into account the best interest of the minor, will take measures to establish the fact whether his/her family is located in the territory of the Republic of Serbia (this is also relevant to the aforesaid item c). Before allowing the reunion of the minor with the family, it should be specifically taken care of whether the minor's family is involved in trafficking in human beings. If it is not possible to locate the family in the territory of the Republic of Serbia, or if the competent authority assesses that such reunion of the minor with the family is not in his/her best interest, a legal guardian will be appointed for such minor.

- g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;

In accordance with Art. 11 of the Criminal Procedure Code, parties, witnesses and other persons taking part in the proceedings are entitled to use their language and script in the course of the proceedings, and if the proceedings are not conducted in their own language, and if, having become officially informed about their right to translation, they fail to declare that they know the language of the proceedings and that they waive the right to translation, the budget funds will be provided for translation of their or other's statements, including translation of documents and other written evidence. The translation services will be provided by a translator.

If the children's identification and support are carried out and provided relating to the child who is a foreign citizen, the Centre for Human Trafficking Victims Protections will engage a translator. When the identification of a refugee/migrant child is concerned, it was not always possible to provide a translator (if no translator is currently available, or if there is only one translator who speaks a specific language and it is not possible to engage him/her, and so forth). If it was not possible to provide a translator for the language of the child, if the child speaks English, the English translator was engaged. In some cases were used the Internet (Google translate), support of compatriots living in Serbia, cultural mediator, etc.

- h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;

The Centre for Social Work is in charge of taking decision regarding the best interest of the child, and of taking care of realisation of the best interest. Concerning the return of the child to the country of origin as a permanent solution for the child, the security factors shall be obligatorily considered, and also the child's interest for reunion with the family (if the return to the country of origin is related to the child's reunion with the family that remained in the child's country of origin). The method of assessment and determination of the permanent solution for the refugee/migrant child, and of the return to the country of origin, for the professionals of the centre for social work is set out in the Guidelines for Child Protection Case Management at the Centre for Social Work, the finalisation of which is expected.

- i. special protection measures for children.

The Law on Juvenile Offenders and Protection of Minors in Criminal Justice Proceedings prescribes that participants in such proceedings (public prosecutor, judge and lawyers) can be only the persons who acquired specific knowledge in the filed of the child law and protection of minors in criminal justice proceedings.

When conducting the proceedings for criminal offences committed to the prejudice of minors, the public prosecutor, investigative judge and panel of judges will treat the aggrieved party taking into account his/her age, personal characteristics, education and situation in which he/she lives, seeking in particular to avoid possible harmful consequences of the proceedings on his/her personality and development. Hearing of minors will take place with assistance of a psychologist, pedagogist or other professionals.

If a minor – aggrieved party is heard in the capacity of the witness, the hearing may be held two times as a maximum, and exceptionally more times, provided that this is necessary in order to attain the purpose of the criminal proceedings. If the minor is heard more than twice, the judge shall in particular take care of the protection of personality and development of the minor.

Where assessed necessary by the judge, taking into account the specific nature of the criminal offence and of the personal characteristics of the minor, the judge will order that the minor shall be heard using technical devices for transmitting image and sound, and the hearing will be held without presence of the parties and other participants in the proceedings, at the premises where the witness is, so that the parties and persons entitled to do so will ask him/her questions through the judge, psychologist, pedagogist, social worker or other professionals.

The minors, as witnesses-aggrieved parties, may be heard at their apartment or other premises, and/or authorised institute-organisation, professionally qualified for interrogation of minors.

Currently is in progress the preparation of the IPA 2014 project, financially supported by the EU, whereby an adaptation of three special premises is expected for the needs of hearing the children in Belgrade, Novi Sad and Niš, as vulnerable witnesses.

When a minor is heard in the above described way, in the main hearing will be always read the minutes of his/her statement, and/or played the video tape of the hearing.

If, as a witness, is heard the minor who, due to the nature of the criminal offence, consequences or other circumstances, is particularly vulnerable and/or is in a particularly difficult psychological state, it is forbidden to hold a face-to-face meeting between him/her and the accused.

A minor, as the aggrieved party, must have an attorney from the first hearing of the accused.

Criminal proceedings in which a minor is taking part as the aggrieved party, are urgent.

Children are protected by special social security measures whenever necessary, and when the measures of guardianship protection and supervision of exercising the parental right may apply (as defined in the Family Law). The measures, which enable the protection of the child's right in the procedures concerning children, are of particular importance. The employees of the Centre for Human Trafficking Victims Protection are qualified to provide support to the children in criminal and civil proceedings, and one professional of the Centre is an educated coach for the social security and judicial systems in this field. The Centre makes efforts in cases of children witnesses/aggrieved parties to provide the maximum possible protection and support to the child, in line with international standards and own competences. The cooperation with the legal guardian of the child in such situations is very intense. The Centre is included in activities of the Association for Child and Adolescent Psychiatry and

Allied Professions of Serbia - DEAPS on the amendments of the Protocol on Protection of Children from Molesting and Neglecting in the Health Care System, in particular considering the protection of children victims of THB and collecting indicators showing THB. The health care, as an important system for discovering of, and support to children victims of THB, during 2016 started a training of medical doctors and associates in the social security system for work with sexually molested children, and the training curriculum, prepared and delivered for accreditation to the Ministry of Health Care, contains the training of health care professional in the field of trafficking in human beings, in the context of sexual exploitation – namely, the role, knowledge and skills, relationship with the child in discovering and support.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

The Commissariat for Refugees and Migration is in charge of accommodation and care of migrants and asylum seekers and, in case of identification of the victim of THB among unaccompanied minors, in accordance with the Standard Operating Procedures for Protection of Children Refugees/Migrants, the employees of the centres will contact the competent authorities, that is, the Centre for Social Work and the Centre for Human Trafficking Victims Protection, as well as the health care personnel located at permanent and temporary centres for accommodation of migrants and asylum seekers.

The representatives of the Commissariat employed at the permanent and temporary centres for accommodation of migrants and asylum seekers take an active part in education, training and seminars concerning human trafficking among children migrants (trainings listed in the answer to the question number 4).

The Commissariat for Refugees and Migration is in charge, pursuant to the Law on Refugees, with respect to return, only of the voluntary organised return of refugees to Bosnia and Herzegovina, and Croatia.

The asylum-related procedure in the R. of Serbia is regulated by the Law on Asylum ("Off. Gazette of the RS" 109/07) the application of which has started in 2008, which prescribes the principles, conditions and procedure for granting and termination of asylum, rights and obligations of asylum seekers in the R. of Serbia, and competences for implementation of the national asylum system in the R. of Serbia. The Law on Asylum provides for a shared competence of the Ministry of Interior and the Commissariat for Refugees and Migration.

The Ministry of Interior - Asylum Office, which was formed on the basis of the Rulebook on Amendments of the Rulebook on Internal Organisation and Job Classification within the Ministry of Interior of 14.01.2015, is in charge of conducting the asylum-related procedure and status establishing. The procedure is conducted as a two-instance administrative procedure, while the Commissariat for Refugees and Migration is in charge of providing accommodation and basic living conditions to the persons who expressed their intent to seek asylum in the R. of Serbia, and also of the integration of the persons to whom the asylum is granted. The asylum centres fall within the competence of the Commissariat for Refugees and Migration of the R. of Serbia, there are five of them, located in Banja Koviljača, Bogovođa, Sjenica, Tutin and Krnjača.

The first instance asylum-related procedure is conducted, and all decisions are made by the competent organisational unit of the Ministry of Interior, Police Directorate, Border Police Administration, Asylum Office. Authorised officers conducting the asylum procedure at the Asylum Office are specifically qualified to perform such tasks.

Article 15 of the Law on Asylum prescribes that the asylum procedure will take care of the specific situation of the asylum seekers with special needs, such as minors, 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.

Since asylum seekers can fall within the category of potential victims of human trafficking, during interviews with them, in addition to the police officer conducting the procedure, there shall be also present a translator, legal attorney of the person and legal guardian of the person, if an unaccompanied minor is concerned. If the police officer of the Asylum Office has any suspicion that a victim of human trafficking is concerned, he/she shall without delay inform his/her immediate superior, Head of the

Asylum Office, Coordinator for Action on Human Trafficking and the Centre for Human Trafficking Victims Protection.

During the asylum procedure, there were no cases of non-voluntary return of the child who is a victim of human trafficking, since the return of foreign citizens, both voluntary and non-voluntary, does not fall within the competence of the Asylum Office.

In the social security system, all the stakeholders working on protection of children refugees/migrants are thoroughly informed that any suspicion regarding human trafficking must be reported to the Centre for Human Trafficking Victims Protection. From the moment of reporting, efforts are made to allow to the children the access to the rights and adequate protection, where a range of difficulties appear related to the community organisation and necessary services. As already mentioned, a one-day training was developed for representatives of the Commissariat for Refugees and NGOs, in order to enhance their skills for the preliminary identification of victims among children migrants. The training courses carried out so far have directed the professionals of the centres to an enhanced surveillance and more intense monitoring of the children located at shelters and asylum centres, and if a child is accommodated with a foster family or an institution, respective measures of support and monitoring of the child are taken. Appointment of a legal guardian for the child and definition of guidelines for action of the guardian in the protection of the child refugee/migrant, and in particular of guidelines for the temporary protection of the child, increase chances for an adequate support to the child and his/her acceptance of the safe option, which is currently possible. No child victim of human trafficking was returned to the country of origin without his/her consent.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

In Serbia, there are no specific services for reintegration of child victims of trafficking. The reintegration of the child is managed by an individual plan for protection, which is prepared by the Centre for Human Trafficking Victims Protection, and by a plan of services of the competent centre for social work. Goals and objectives within these plans are set in accordance with the assessment of the best interests of the child, and they enable inclusion of professionals and associates who apply various programs, activities and services the child might need. If the return of the child to his/her family is not in the best interest of the child, the possibilities for accommodation of the child are in accordance with the system resources – the child can be accommodated with a foster family, shelter, home for children or referred to the relatives family. In Novi Sad, it is expected that during the year will start to operate a specialised shelter for children victims of THB. For the children whose return to the family is not in their best interests, the types of support are separately assessed and a long-term goal of protection is determined – becoming independent, provision of accommodation, school education, etc.

C. Questions related to specific articles

Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

Difficulties are experienced in identifying and prosecuting cases of perpetrators who are responsible persons or owners of foreign companies located abroad, and where, mostly illegally, are engaged workers from Serbia. In such cases, the necessary information is gathered in the procedure of foreign legal assistance, which requires a lot of time and slows down the course of the criminal proceedings. There have been no other difficulties.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

The Criminal Code of the Republic of Serbia defines “abuse of a position of vulnerability” through the phrase “abuse of difficult conditions”, which means the circumstances and situations that bring the perpetrators into a more favourable position, that is, which force the aggrieved party to accept the conditions set by the perpetrator, which are unfavourable to the aggrieved party. The criteria used in practice for assessment of difficult conditions are predominantly vulnerability and difficult position, meaning the material situation, life in a dysfunctional family, previously suffered violence (psychical, physical, sexual), social exclusion, etc.

The examples number 2, 3 and 4 from case law of the Supreme Court of Cassation of the Republic of Serbia are enclosed at the end of the report.

15. To what extent does your country’s law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

The Criminal Code recognises the relevance of forced marriage and illegal adoption in the context of THB. During the reporting period, several criminal charges were pressed for THB offences where the act of perpetrating was actually the sale of female persons, among which there were also minors, for the purpose of marriage, while in one case the perpetration was forced marriage. These criminal offences were committed with the aim of sexual or work exploitation and in most cases the aggrieved persons were Roma. Also, criminal charges were filed against 3 persons for the criminal offence of trafficking in minors for the purpose of adoption, under Art. 389 of the CC.

The amendments of the Criminal Code of November 2016, that will become applicable as of 01.06.2017, namely Article 187a, provides for a criminal offence of forced marriage:

1) Any person who using force or threat forces another person to marriage, will be sentenced to the period between three months and three years in prison.

2) Any person who, for the purpose of perpetration referred to in paragraph 1 of this Article takes another person abroad, or with the same aim induces such person to go abroad, will be sentenced to up to two years in prison.

Also, this law changed Article 192 of the Criminal Code: Change of the Family Situation, relating to the change of a child’s family situation.

THB offence itself (Art. 388 of the CC), does not specifically provide for a forced marriage as an element of the criminal offence (although in case law so far, as set out above, the forced marriage situations were construed as sexual exploitation or buying or sale a person for marriage).

The National Parliament adopted the Law on Ratification of the Convention on the Rights of the Child and Co-operation in Respect of Inter-Country Adoption (“Official Gazette” of the RS – International Agreements no. 12/13).

16. Can forced begging be considered as a purpose of THB according to your country’s law? Have there been any cases of child trafficking for forced begging with the involvement of the child’s family or legal guardian?

Within the meaning of Article 388 of the Criminal Code, forced begging is considered as THB, that is, it constitutes a form of exploitation (Article 388, paragraph 1 of the CC). In addition to the above, we would like to note that forced begging of a minor, if not containing elements of THB offence, may constitute also a criminal offence of neglecting and molesting of the minor, pursuant to Article 193, paragraph 2 of the Criminal Code. The example for this is the judgement of the Higher Court of Pančevo K 24/11 dated 23.03.2012, whereby one person, due to exploitation through begging, was sentenced both for the criminal offence of THB and for the criminal offence under Article 193, paragraph 2 of the CC – neglecting and molesting of the minor, in which case the person was sentenced to the single period of 5 years in prison.

Forced begging can be considered as a purpose of THB in accordance with the Criminal Code of the RS. Criminal charges were pressed for perpetrating this criminal offence against 11 persons, who as the parents or legal guardians forced the minors to begging.

We would like to point up also the example number 5 from case law of the Supreme Court of Cassation of the Republic of Serbia enclosed at the end of the report.

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

Criminal offences committed by the victims are regarded as a purpose of THB offences, that is, as a form of exploitation, pursuant to provision of Art. 388, paragraph 1 of the Criminal Code. During the reporting period, in several cases, the victims of THB were forced to commit criminal offences. Predominantly, such offences included thefts, however, there were some cases that included illegal drug trade.

Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

So far, the impacts of the campaign Protection of Children and Youth in the Education System from Trafficking in Human Beings have not been evaluated, however, it is planned to make the respective evaluation.

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

In the answers to the GRETA's proposals (8 and 9) of June 2016 was set out a detailed overview of the research related to the action on trafficking and were set out published science papers dedicated to the anti-trafficking topic.

The Centre for Human Trafficking Victims Protection for the last four years has been conducting an analysis every year of the situation regarding THB in Serbia according to the requirements of EUROSTAT, based on the database of the Centre of the victims of trafficking and the process of identification of victims. These analyses were made for the years 2013, 2014 and 2015 and published on the web site of the Centre in the printed form, while the analysis for the year 2016 will be prepared in March 2017. On the basis of the results of these analyses, the Centre plans and adjusts its activities and promotion of professional work, and issues recommendations for improvement of the identification and protection of victims of trafficking at all levels.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

The applicable Law on Foreigners provides for that a temporary stay may be granted on the grounds of work, employment, performance of commercial or other professional activity; schooling, studying or specialisation, science and research work, practical training, participation in international programs of exchange of pupils or students, and/or other scientific and educational activities; family reuniting; other justified reasons in accordance with law or international agreement.

The new draft Law on Foreigners provides for that a temporary stay can be approved on the grounds of employment, schooling or language learning, studying, participation in programs of international exchange of pupils or students, professional specialisation, training and practice, scientific and research work or other scientific and educational activity, family reuniting, performance of religious service, medical treatment or care, ownership of the real estate, humanitarian stay, status of the presumed victim of THB and status of the victim of THB.

The Law on Employment and Unemployment Insurance provides for in Article 98a the responsibility of intermediation Agencies for employment abroad towards the persons who are interested in work abroad for the legality of employment and work conditions that must be in line with the legislation of the country in which they perform intermediation activities.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;

The current law of the Republic of Serbia governing the field of organ transplantation is the Law on Organ Transplantation published in "Official Gazette of the RS", number 72/09 and applicable as of January 1, 2010.

The Law prescribes requirements for the transplantation of organs from live donors, and requirements for those who may be such live donors of organs, including the obligation of the removal of organs upon the donor's written consent (Article 41-47). Namely, Article 41 prescribes that taking organs from a live donor for transplantation into the body of another person for the purpose of medical treatment is allowed, provided that simultaneously are met the following conditions: if no other adequate organ is available from a dead person; if there is no alternative medical procedure of comparable efficiency for the treatment of the organ recipient; if the transplantation team of the authorised health institution issues the opinion that the transplantation of the respective organ will lead to healing and/or improvement of the health condition of the organ recipient; if assessment of risk to life and health of the organ donor is made; if the organ donor has issued the written consent; if other requirements prescribed by this law are met.

Also, the law established the obligation that every health care institution dealing in the removal, distribution, transplantation, determination of matching, and/or transplantation must have a license for performance of the above described jobs, which is issued by the Ministry of Health. Article 10, paragraph 10 prescribes that conditions regarding the space, equipment, staff and/or teams for transplantation, as well as other conditions, are prescribed by the minister, by adopting the respective rulebook. However, the above mentioned rulebook so far has not been adopted, so the institutions in this field have no license.

Since the existing Law on Organ Transplantation is partially adjusted to the EU directives, that is, the directives in this field were adopted after the adoption of this law, in 2016 was formed a working group for the adoption of a new law. Namely, the Draft Law on Human Organ Transplantation in September 2016 received a positive opinion of the EC, after which was initiated the procedure for the adoption of the law, and a public debate was held. The adoption of the new law is planned in 2017.

- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;

The existing law prescribes no obligation of overseeing and monitoring the medical care and recovery of the donors and recipients of organs, while the aforesaid obligation is prescribed in the Draft Law on Transplantation of Human Organs for Medical Treatment Purposes. It is prescribed that transplantation centres will keep records of the live organ donors and that after the transplantation of organs they shall monitor their health condition on a long-term basis. In addition, it is established that the transplantation centres, where the organ transplantation has been made, are obliged, after the transplantation, to monitor the health condition of the organ recipient.

- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

At the initiative of the Council of Europe in September 2016, the Republic of Serbia appointed a contact person from the Biomedicine Administration for criminal offences in the field of human organ trafficking.

According to the information of the Ministry of Interior during 2014, 6 criminal charges were pressed against 6 persons for criminal offences committed, as provided for by the Law on Organ Transplantation, Art. 79, who through the Internet offered their organs for sale. Five of them were males, and one female, and all of them are citizens of the R. of Serbia. In the above mentioned cases, no information was obtained about organ trafficking, but only of personal offering of organs for sale through advertisements on the Internet, that is, these persons were not connected to any organised criminal group or other types of criminal activities.

During 2015 and 2016, no criminal charges were filed for offences committed under Article 79 of the Law on Transplantation.

Measures to discourage the demand (Article 6)

22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

- a. educational programmes;

So far, there are no developed educational programs discouraging the demand.

- b. information campaigns and involvement of the media;

The only one media service of Serbia – Radio Television of Serbia – RTS in 2016 was directly included in one of the campaigns aimed to raise awareness of the issue of human trafficking, by taking part in making the film “Observers”, broadcasted on October 18, EU Anti-Trafficking Day, on the second program of the national television. The film was announced through various shows on both national programs prior to broadcasting.

The scenario for the film was written by the editor of the Children and School Program of the RTS, who, while working on the scenario, inter alia, consulted representatives of the Centre for Human Trafficking Victims Protection and the Ministry of Interior. The film was made in co-production of Unitas Fund, Mikser, Radio Television of Serbia and Ministry of Education, Science and Technological Development.

“Observers” is a live action and educational film aimed to raise awareness and prevent human trafficking. Through parallel stories of three youngsters who became (potential) victims in the human trafficking network, the film sends a clear message that, in spite of numerous growing-up traps, young people should be self-confident and not ashamed to communicate their fears, problems and doubts to their closest persons and that they should not hesitate to apply for help to specialised institutions. The film is available on YouTube Channel of the Education and Science Program of the RTS (<https://www.youtube.com/watch?v=hl8UC1ZqVZs&t=5s>)

From 2014 till the end of January 2017, only the Journals of the RTS (Morning Journal, Journal 1, Journal 2 and Journal 3) broadcasted reportages or news of human trafficking on the following days: in 2014: January 14 and 22; July 29 and 30; September 17, 24 and 25. Further, in 2015: March 30; June 28; July 30; and November 4. And during 2016: January 31; June 8 and 12; July 21 and October 18, two reportages.

In the morning program of the RTS, only during 2016, there were several guests who consider this topic. An ASTRA representative spoke in March about human trafficking, in July a representative of the Centre for Human Trafficking Victims Protection together with a representative of Unitas Fund, when the reportage about human trafficking was broadcasted.

Interlocutors on the RTS also on several other occasions spoke about this, even when human trafficking was not a direct topic of the show or reportage.

- c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);

The new Law on Public Peace and Order (“Official Gazette of the RS”, number 6/16), its Article 16 regulating prostitution, provides for fines from 50,000 up to 150,000 dinars, or 30 to 60 days in prison for a person who is involved in prostitution, **uses prostitution services** or leases premises for prostitution. The new law introduces misdemeanour responsibility for prostitution clients, whereby the clients are discouraged by the prescribed fines to use prostitution services and thereby generate the demand for sexual services.

Please note that provisions of the Criminal code, Article 388, paragraph 8 provide for criminal liability for human trafficking also for the person who knew, or might have known that a person is the victim of human trafficking and therefore abused his/her position or enabled others to abuse his/her position of the victim for various forms of exploitation. The penalty for this offence is imprisonment from 6 months to 5 years and includes all persons who knew, or might have known about the victim and human trafficking, and not only the clients of sexual exploitation.

The Public Procurement Law (“Official Gazette of the RS”, no. 124/12, 14/15 and 68/15, hereinafter: the PPL) contains provisions, which have preventive effects on discouraging the demand that stimulates various forms of exploitation. The provisions concerned are defined in the following articles of the PPL:

Article 75, paragraph 2 of the PPL, prescribes the obligation of contracting authority to require from bidder or candidate to state explicitly in its offer that it fulfilled obligation under applicable legislation concerning safety at work, employment and working conditions, protection of environment, and that there is no prohibition against it to perform the business activity which is in effect at the time of bid submission. Regarding this, the obligation of each bidder who takes part in the public procurement procedure is, among other things, to sign a statement confirming that it observed the obligations arising out of the applicable regulations on safety at work, employment and working conditions.

Article 76, paragraph 2 of the PPL prescribes that contracting authority in tender documents may set additional requirements for participation in public procurement procedure, if necessary, taking into account the subject of public procurement. These conditions mainly concern capacities of the bidder (financial, operational, technical, personnel). At the same time, pursuant to paragraph 4 of the same Article of the PPL, contracting authority may also define other additional requirements for participation in public procurement procedure, especially if they are related to social and environmental issues.

Article 85, paragraph 2 of the PPL provides for an option for contracting authority, as one of the elements within the criterion of cost effectiveness of bid, to apply also social criteria.

Article 92 of the PPL provides for an option to reject a bid due to its abnormally low price, and paragraph 6 prescribes the obligation of contracting authority, when verifying applicable integral elements of a bid which contains such abnormally low price, to verify the fulfilment of bidder's or candidate's obligations arising from the applicable legislation on safety at work, employment and working conditions, and that in this context it may demand adequate evidence from the candidate and bidder.

In accordance with the Action Plan for the Implementation of the Strategy for Public Procurement Development in the Republic of Serbia for 2014-2015 was prepared the Analysis: Socially Responsible Procurements, available on the web site of the Public Procurement Administration, in the column *Strategy for Public Procurement Development in the Republic of Serbia, Action Plan and Implementation of the Action Plan*. The analysis shows an overview of the EU legislation in the field of public procurement, which also includes social procurements, with a reference to exclusion of a business entity if sentenced under the final decision for offences of abuse of child labour or other forms of human trafficking (page 7 of the Analysis). In the part of the Analysis concerning the aspect of execution of the contract (page 18) it is set out that contractual provisions may take into account social aspects, and that clauses related to the execution of the specific contract may envisage the obligation in execution of the contract relating to the observance of the basic human rights (prohibition of forced labour or child labour).

The Public Procurement Administration, when implementing training for contracting authorities and bidders related to the application of regulations falling within its competence, promotes and refers to the above mentioned Analysis and guidelines, with the aim of encouraging socially responsible procurements in practice.

The Strategy for Public Procurement Development in the Republic of Serbia for the Period 2014-2018 and the relevant Action Plan for the Implementation of the Strategy of Public Procurement Development in the Republic of Serbia for 2017, provides for an activity of adoption of a new PPL, by which the national legal framework in the field of public procurements will become fully harmonised with the EU Directives concerning public procurements.

The Anti-Corruption Agency (hereinafter: the Agency) was established in 2010 as a stand-alone and independent public authority with a number of preventive, controlling and supervising competences, such as deciding on conflict of interests of public officials in Serbia, control of the property of public officials, control over funding of political entities, overseeing the implementation of the National Anti-Corruption Strategy and accompanying Action Plan, handling the applications, fulfilment of international obligations, supervision of the implementation of integrity plans and pursuing cooperation with all government and non-government organisation in Serbia. In addition, the Agency maintains the register of public officials and the register of property and income of public officials, provides professional assistance in the field of anti-corruption, cooperates with other authorities when drawing up regulations in the field of anti-corruption, develops and implements programs of training in the field of anti-corruption, implements research, analyses statistical and other information related to corruption.

Acting in accordance with its legal competences and powers, the Agency received no application or complaint indicating that any public official or other public person was involved in human trafficking. As far as control over the property and income of public officials is concerned, the key mechanism used by the Agency is the monitoring of financial flows and money transfers, as a method for discovering that the property and income are concealed and that at the same time there are grounds to suspect that

some other criminal offence was possibly committed, including human trafficking, sexual/labour exploitation.

In the operations of the Agency so far there were no cases that would indicate the connection between public officials and human trafficking, sexual or work exploitation. In case the Agency gets such information, it will pass the entire case, including evidence collected, to the competent prosecutor's office.

- d. involvement of the private sector.

The Serbian Chamber of Commerce and Industry, as a representative of the Serbian industry and commerce, recognising the importance to respect the human rights, was in 2016 a signatory to the Memorandum of Understanding with the Office of the United Nations Children's Fund (UNICEF) in Serbia. The goal of the signed Memorandum of Cooperation are joint efforts in promotion of socially responsible business, with a focus on children, through advocating initiatives, legislative and regulatory frameworks of socially responsible business with a focus on the children's rights, encouraging the members of the Serbian Chamber of Commerce and Industry to make positive influence through their business processes, products and services on the observance of the children's rights, and to jointly promote examples of good practice in this field.

On the Internet portal of the Serbian Chamber of Commerce and Industry, in the part related to Socially Responsible Business, were posted, among other things, publications titled: Principles of Business and Children's Rights, Children Are Important to All, Report on Situation Concerning Socially Responsible Business with a Focus on Children, 2015, and Examples of Good Practice of Companies in Serbia Implementing the Activities of Children-Oriented Socially Responsible Business, July 2016. During the previous year, at events held at the Serbian Chamber of Commerce and Industry concerning socially responsible business of our members, was established the practice of promotion of the above mentioned publications, with the aim of further promotion of the human rights in business activities of domestic companies. The afore mentioned publications are available on the link <http://www.pks.rs/PrivredaSrbije.aspx?id=525&p=0&>

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

The National Parliament adopted in 2015 the **Law on Amendments of the Law on Employment and Unemployment Insurance**, and Article 98a thereof provides for that:

(1) The Agency is responsible in the process of intermediation for employment abroad to the persons who are employed abroad for the legality of their employment and work conditions, which must be in line with the legislation of the country in which they perform intermediation services.

(2) The Agency is responsible towards the persons to whom it provides intermediation services for employment abroad in cases of their earlier return from the country to which they were assigned to work, without will or guilty of such persons, and also for any damage suffered by such persons, resulting from wrong information about important elements of conditions for living and work in the country to which the persons were assigned to work.

Article 103 of this law provides for the fine between 200,000.00 and 600,000.00 dinars for a misdemeanour of the employment agency – legal entity, if it provides intermediation services for employment abroad contrary to Article 98a, paragraph 2. For the misdemeanour referred in paragraph 1 of this Article, the responsible person of the legal entity will be fined between 10,000.00 and 50,000.00 dinars. The employment agency – entrepreneur will be fined between 50,000.00 and 400,000.00 dinars for the misdemeanour referred to in paragraph 1 of this Article.

The Public Procurement Law does not explicitly provide for the monitoring of the supply chain, which does not mean that contracting authority could not foresee the above mentioned in the tender documents and public procurement contract. The EU Directive 24/2014 provides for a so-called "horizontal social clause", which prescribes that member states should take respective measures to ensure that in execution of public procurement contracts the business entities shall adhere to the applicable obligations in the field of ecology, social and labour law, established by the law of the Union, national laws, collective agreements and provisions of international ecological, social and labour law set out in Annex X. This means that everyone in the chain (bidder, subcontractor, participant in a joint bid or

any other supplier) must observe obligations arising out of the applicable regulations in the field of ecology, social and labour law.

Since adoption of the new Law on Public Procurement is envisaged for the year 2017, it is possible that the above mentioned rule will be incorporated in the law provisions.

The Republic Commission for Protection of Rights in Public Procurement Procedures also indicates that the Strategy for Public Procurement Development in the Republic of Serbia for the Period 2014-2018 envisages that some of the strategic goals of the public procurement reform are also the promotion and encouraging of the ecological and social aspects in public procurements.

The promotion of social criteria in taking decisions about public procurements means new models of cooperation between private, public and civil sectors, including contribution to the development of entrepreneurship, in particular of small- and medium-sized enterprises, and social enterprises as well. Also, by inclusion of the social aspect of public procurements are achieved the goals of inclusive development, and combining thereof with ecological criteria constitutes an integrated approach to a sustainable public procurement system.

Also, the Strategy for Public Procurement Development in the Republic of Serbia for the Period 2014-2018 sets out that, with the aim of a successful implementation of the social aspect of public procurements, the following steps will be taken:

- preparation of guidelines for carrying out public procurements with enterprises for professional rehabilitation and employment of disabled persons and/or social enterprises
- awareness-raising of contracting authorities and other stakeholders about advantages and possibilities of such procurements
- capacity building of participants in the procedure
- promotion of good practices of application of the social aspect in public procurement procedures (e.g. possibility of inclusion of other disadvantaged persons: young people, persons who are unemployed longer than one year, elderly persons, and others)
- establishing the system for evaluation and monitoring.

In respect of education, that is, educational programs in the field of implementation of the social aspects of public procurements, there is a possibility to hold workshops in 2017, supported by some of the international donation organizations (SIGMA, UNDP, EBRD, OEBS), dealing with this public procurement segment, in particular in the light of adjustment with the directives of the EU and case law of the Court of Justice of the European Union.

Please note also that social aspects of public procurements (along with ecological/green procurements, innovations and small- and medium-sized enterprises) are included in a separate sub-chapter in the Negotiation Chapter 5 – Public Procurements, within the Serbian accession negotiations with the European Union.

In respect to preventive measures in the field of anti-corruption, **the Serbian Chamber of Commerce and Industry – PKS**, which is bound upon the National Anti-Corruption Strategy and accompanying Action Plan for implementation thereof, organises events with the aim of improvement of activities of the private sector in the field of business anti-corruption. The role of the Serbian Chamber of Commerce and Industry in the field of anti-corruption is prevention of corruption practices in the business sector through education, promotion of anti-corruption values and encouragement of legislation development in the field of anti-corruption.

The Serbian Chamber of Commerce and Industry is authorised to establish the rules of good business conduct of its members, that is, to adopt special norms, codes and other rules of conduct of business entities. The PKS Assembly adopted in December 2005 the Code of Business Ethics, and the Corporate Governance Code in 2012. The aim of adoption of these Codes was to increase the transparency of business activities of business entities and responsibility for consequences that might result from such business activities. By adoption of the Code, the business entities received a support for balancing between own, profitable interest and interest of the social environment in which they are active. A specific segment in the Corporate Governance Code is dedicated to Socially Responsible Business and the concept according to which companies integrate economic, legal, philanthropic, social and ecological topics and issues into their business activities, and also into interaction with stakeholders on a voluntary basis.

The Serbian Chamber of Commerce and Industry continues to contribute to the observance and protection of the rights guaranteed by the Convention of the Council of Europe, and is available for

cooperation to all relevant institution for the purpose of further improvement of implementation of the rights guaranteed by the Convention.

Please find enclosed to this report, under the number 3, **a separate report of the company Philip Morris International**, relating to the programs implemented in the Republic of Serbia in accordance with provisions of the Convention of the Council of Europe on Action against THB.

Border measures (Article 7)

In the answers to the GRETA's proposals from the first evaluation round, specifically relating to the proposal 16, in June 2016 was provided a detailed overview of the implemented border measures, however, we are herein indicating specific measures relevant to GRETA.

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

- a. identification of possible victims of THB in the context of border control;

While performing control over, and securing of the state border by the border police officers in the period between 2014 till the end of 2016, to the Centre for Human Trafficking Victims Protection were reported three (3) cases of presumed potential victims of human trafficking.

In the earlier period, ten years ago and more, during border controls used to be often found foreign females as potential human trafficking victims with forged travel documents and invitation letters.

Taking into account that the phenomenon of human trafficking in recent years has changed its forms, and that internal human trafficking is predominating, the chances to identify the human trafficking victims at border crossings have rapidly decreased, because they do not cross the border at all.

Irrespective of current trends, it is anyway possible to carry on transnational human trafficking across the state border, and in this context the Ministry of Interior and the Border Police Administration are aware that the abuse of identification documents is a significant threat to the security of country and its citizens. The forged personal documents, in addition to the abuse for the purpose of THB, also allow to terrorists, criminals and irregular migrants to enter and stay illegally in the territory of the country.

Acquiring basic and advance knowledge and skills for the identification of forged documents is one of priorities of the Ministry of Interior – Border Police Administration, manifested though a continuous training of police officers – not only of the border police members, but also of police officers of other lines of operation. Only in 2016, within the bilateral cooperation with the Ministries of Interior of the Republic of France, Federal Republic of Germany, Republic of Austria and Kingdom of the Netherlands, 80 border police officers received training at the basic level, 20 police officers at the advance level, and 2 police officers at the expert level. Special training, at the basic level, was provided also to the police officers of the Police Administrations of the lines of operation with foreigners, combatting illegal migrations and human trafficking, a total of 54 trainees.

With the aim of raising awareness of the importance to prevent abuse of forged documents, the Border Police Administration, in cooperation with experts of the Ministry of Interior of the Republic of Austria, prepared and published the **Manual on Protected Documents, Production and Protection Elements – Basic Level**, the first one of the kind within the Ministry of Interior of the Republic of Serbia, with the aim to improve the chances to identify and discover forged documents, by acquiring the basic knowledge about the process of production and methods of protection of documents. As such, the Manual is intended not only for the border police officers, but also for police officers of other lines of operation of the Ministry of Interior, and will serve as a basis for the future training of police officers at the basic level.

The continuous improvement and ever more sophisticated physical, optical and electronic elements for the protection of documents which are currently used, require also the use of sophisticated equipment in the procedure of border control. In accordance with world's standards, the border police is equipped with the state-of-art optical devices for scanning and electronic reading of documents.

In addition to the basic function of document reading, the optical devices allow also recording of all passengers who undergo the border control, which is the obligation of the border police in accordance with the applicable regulations, first of all with the Law on Protection of the State Border of the Republic of Serbia, and other by-laws. The records of persons who undergo the border control when crossing the state border, in addition to the basic information of the recorded passenger (country of origin, type and number of the document and biometric data from machine-readable zone) allows an insight into

movement of persons who draw attention from the safety point of view, which is very important fact for the operation of police officers, and in particular for the prevention and investigation of human trafficking.

The National Airline Company “Air SERBIA” has implemented the policies and procedures for passengers and cargo transshipment in the Operating Manual relating to the control of travel documents and positive identification of passengers in the border control process during boarding and taking up of minors and in the procedure of taking up cargo. They also cooperate and provide necessary passenger information upon the request of public authorities.

- b. identification of possible perpetrators of THB offences;

In the procedure of border control, when reading the documents, persons and documents are automatically verified through the databases of the Ministry of Interior of the Republic of Serbia, and database of INTERPOL which is integrated into the national system. The access to the INTERPOL FIND system allows on-line verifications. Of particular importance for combating all types of cross-border criminal and transnational forms of human trafficking, is the information from the investigative support database, Red Notice (international warrant – arrest), Blue Notice (locating of a person), Green Notice (a person considered to be a possible threat to public safety, habitual criminals, convicted persons) and Yellow Notice (missing persons).

In the previous period, during the border control, certain persons – human trafficking perpetrators, were found under the Red Notices.

- c. gathering of first-line information from victims and perpetrators;

While performing control and securing the state border by the border police officers in the period from 2014 till the end of 2016 to the Centre for Human Trafficking Victims protection were reported three (3) cases of presumed potential victims of human trafficking.

In accordance with the Agreement on Cooperation of the Government Authorities in Anti-Trafficking, 2009, and also in accordance with the Mandatory Instruction on Procedures with Smuggled Persons, regulating in detail the activities of the police officers in case of presumed human trafficking, the members of the border police shall, in case of the presumed human trafficking and discovering any potential victim of human trafficking at border crossing, promptly call a hotline to get in touch with representatives of the Centre for Human Trafficking Victims Protection for a further coordination of activities aimed to identify, help and support such human trafficking victims.

- d. identification of vulnerable persons in need of international protection among possible victims of trafficking.

As already mentioned above in section 4, during 2016 in cooperation of **the Ministry of Interior with the International Organisation for Migration – IOM**, within the project called Strengthening the Institutional Capacities in Response to Challenges of Irregular Migration in Serbia, was prepared the manual under the title Humanitarian Border Management – Standard Operating Procedures for Border Police, and were developed a syllabus and curriculum and program titled Taking Measures and Activities by the Police Officers towards the Migrants in the Republic of Serbia in Regular Performance of Duties and Tasks and in Case of Increased Inflow of Migrants. In accordance with the above mentioned, 8 training sets were provided to the police officers of the Mol of the R. of Serbia. The training received 237 police officers, of which 205 members of the border police and 32 police officers from territorial police administrations, whereby the capacities of the border police and territorial police administrations were strengthened to prevent and combat human trafficking and to identify human trafficking victims.

The Manual is available in Serbian and English version on the Internet address of the International Organisation for Migration, Mission in Serbia <http://serbia.iom.int/node/152>

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

The National Airline Company “**Air SERBIA**” fulfilled all necessary national and international obligations related to the safety and security measures for passengers and cargo traffic on its flights.

Although the personnel of the company did not receive any specific training relating to the measures for discovering possible human trafficking victims in the period 2014-2016, they are anyway ready to take part in the implementation of necessary measures and cooperation with the police and border control services.

In the performance of their business activity in railway transportation, "Srbija Kargo" a.d. and "Srbija Voz" a.d. apply the current legislation, including both national regulations and international bilateral and multilateral agreements and conventions and generally accepted rules of international law, which are an integral part of the legal system of the Republic of Serbia.

"Srbija Kargo" a.d. and "Srbija Voz" a.d. on a daily basis seek - in the spirit of provisions of the Convention of the Council of Europe on Action against Trafficking in Human Beings, adopted in Warsaw on May 16, 2005, and ratified by the Republic of Serbia in cooperation with competent public authorities, first of all the bodies of the Ministry of Interior, for the purpose of a smooth and safe border railway transportation and maintenance thereof, and prevention and disabling of trafficking in human beings – to take preventive measures of enhanced surveillance and control over passenger and cargo trains on the railway routes in the Republic of Serbia, such as: appointing of a large number of security service personnel, enhanced inspection of trains by the employees of "Srbija Kargo" a.d., securing the territories of the stations from movement of third parties and entering official buildings and premises. Simultaneously, activities are undertaken by which are spread and developed the awareness and knowledge of the employees about dangers from smuggling of people and human trafficking and they are required to inform the police and relevant authorities in due course about every potential danger.

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

For the purpose of strengthening the cross-border cooperation between the police and customs, based on agreement or memorandum of cooperation, in the period from 2014 till the end of 2016, 6 joint contact centres of the border police of the R. of Serbia and border police of neighbouring countries were formed, namely, towards Bulgaria (Kalotina), Macedonia (Tabanovci), Hungary (Horgoš-Reske), Croatia (Bajakovo-Batrovci), Romania (Portile de fier I) and Bosnia and Herzegovina (Trebinje).

The joint contact centres, from the beginning of their operation, processed a total of 863 requests, and individually achieved the following results of the operations through the exchange of requests for information, namely:

- Joint Contact Centre towards the R. of Bulgaria – Kalotina, a total of 118 requests,
- Joint Contact Centre towards the R. of Macedonia – Tabanovci, a total of 70 requests,
- Joint Contact Centre towards Hungary – Horgoš-Reske, a total of 532 requests,
- Joint Contact Centre towards the R. of Croatia – Bajakovo-Batrovci, a total of 67 requests,
- Joint Contact Centre towards B&H – Trebinje, a total of 76 requests.

Through the joint contact centres of the border police were received a total of 27 requests from the neighbouring countries for the exchange of the information relating to the human trafficking cases, on which was replied within the envisaged term.

For the purpose of promotion of the cooperation with the Border Police, the **customs officers** working at border crossings maintain on a daily basis the contacts and perform joint controls with members of the border police. The collaboration includes joint meetings on a daily, weekly and monthly level. In addition to the customs officers at border crossings, a significant role in combating human trafficking and illegal state border crossing play the officers of the Unit for Combatting Smuggling, whose work has become significantly more efficient owing to the use of mobile scanners. Also, in this way, the number of discovered attempts of smuggling people was to a large extent increased, as statistical data confirm. For instance, in 2015 were discovered 229, and in 2016 were discovered 340 attempts of illegal state border crossing.

In the cases of discovering irregular migrants who are smuggled at border crossings, in accordance with principles of humanitarian border management, the procedure is first of all humanitarian and aimed to establish whether among vulnerable categories there are potential human trafficking victims.

Identification of the victims (Article 10)

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

There is a national referral mechanism in Serbia, which was in place also at the time of first evaluation by GRETA. **The Centre for Human Trafficking Victims Protection** is a social security institution in charge of the identification of human trafficking victims, organisation and coordination of victim protection, and/or referral of victims to assistance. Through the formal process of individual planning of support to victims, the Centre actually recognises the needs of the victims based on assessment and includes service providers (institutions of the system, organisations, NGO and others) that have assistance programs, which are necessary to specific victims, always with participation and upon consent of the victim. When preparing the protection plan, the Centre for Human Trafficking Victims Protection is also in charge of, consultations are, subject to the needs of the victim, held with the police, prosecutor's office, court, centre for social work, service providers, non-government organisations, educational system, health care system, employment system and others. The quality of victim protection performance is assessed by the Centre itself, and also there is a mechanism in place for overseeing the professional work of all social service providers, to which the Centre also belongs, and inspection supervision.

The Commissariat for Refugees and Migration at permanent and temporary centres for accommodation of migrants and asylum seekers, when taking in such persons, applies the adopted Standard Operating Procedures for Protection of Children Refugees/Migrants, taking into account that such SOPs are intended for all organisations operating along the route of movement of migrants in the Republic of Serbia. Within these Procedures are defined the indicators for development of suspicion that a child refugee/migrant is a possible victim of human trafficking, as well as the procedure of registration for the purpose of identification and further referral after such identification.

Also, it is expected that soon will be adopted, with support of the UN Population Fund, the Standard Operating Procedures (SOP) of the Republic of Serbia for prevention and protection of refugees and migrants from gender-based violence, among which are also the victims of human trafficking. This document describes the procedures, roles and responsibilities of every individual service provider included in the prevention and response to the gender-based violence. The Standard Operating Procedures define minimum procedures for the prevention and reply to the gender-based violence at permanent and temporary asylum centres, in the field of legislation and legal, safety, health and psycho-social support and protection. These SOPs are designated for all institutions and organisations operating along the route of movement of migrants, and for those who organise a short-term and mid-term accommodation of refugees and migrants in the Republic of Serbia.

28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

In the identification of different forms of exploitation there are no specifically formalised indicators. The indicators applied are those of the International Labour Organisation – ILO and the United Nations Office on Drugs and Crime – UNODC. For the preliminary identification are developed the national indicators for the preliminary identification of victims, created according to the systems in which the preliminary identification is carried out – the police, social security system (in this system, the separate indicators are used for children and separate for adults) and education. The training for the use of such indicators showed positive results, in the context of an increased sensibility of professionals in the systems of education and social security. After the training sets provided in 2015, in the records of charges maintained by the Centre is noted a decrease in the number of charges coming from the social security system, first of all from the social work centres, as compared to the previous period. Also, consultations upon call of colleagues from these systems are held more often, in order to be assured when making decision and forwarding the charges.

With the support of the Swiss Cooperation Office, the development of indicators for identification of victims of human trafficking among the category of migrants and asylum holders and the development of indicators for health care professionals are planned.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

The reasonable grounds to believe that a specific person may be the victim of human trafficking are based on identification of direct and indirect indicators, which may suggest human trafficking. In the created indicators for the preliminary identification, for each system are defined separate indicators, in accordance with the information gathered by the respective system, which may indicate suspicion that human trafficking is in question. For instance, in the social security system, a set of information indicates suspicion, such as the information about changes in the family environment, material status and so on, while in the education system such a set of information is completely different and focused on the changes in a child's behaviour that may be observed at school. The information gathered by the police in the preliminary identification are, on the other hand, based on specific facts in accordance with the method of the perpetration of the criminal offence of human trafficking and the information indicating a breach of legislation. Irrespective of the grounds of suspicion about possible human trafficking, the charges are sent to the Centre for Human Trafficking Victims Protection which thereafter carries out the procedure of identification, collecting and evaluating direct indicators of human trafficking and, in particular, indirect indicators showing the breach of the human rights of the victims and changes in the condition and behaviour of the victim due to human trafficking experienced.

Example 1: in a school, based on the application of indicators for the preliminary identification in education, and following the training for application of the program for prevention of trafficking in children in the field of education, the class teacher suspected that there is a chance that one girl is the victim of human trafficking, based on the change in behaviour of that child at school and in class. To the class teacher, the information based on application of the indicators, pursuant to the instruction for application of the indicators, was the information indicating "reasonable grounds" to develop suspicion about human trafficking in the preliminary identification. The class teacher promptly notified the team for protection from violence at school, which without delay, in accordance with its powers, took measures at the school level and notified the Centre for Human Trafficking Victims Protection and the Centre for Social Work. Upon the charges based on the preliminary identification, the professional of the Centre for Human Trafficking Victims Protection carried out the procedure of evaluation for the purpose of identification, having collected the information from the school, centre for social work and police, and had consultations with the prosecutor's office. During the identification, pursuant to the established information, further procedures of any system that could lead to secondary traumatising of the child were suspended. Direct and indirect indicators were collected, and the girl was identified as the victim of human trafficking.

Example 2: The Case Manager of the Centre for Social Work dealt with a family with many family members, which had partnership difficulties and six children. It was noted that the family issues had become more complex, and that there was a risk of termination of the marriage. At one moment, the mother and three youngest children were "missing". The information was obtained that they were attracted by their relatives promising that they would take care of them, and that the relative's family concerned was known for engagement of children for bagging. The indicators were applied and the Centre for Social Work, based on the preliminary identification, developed a suspicion about human trafficking. It notified the Centre for Human Trafficking Victims Protection about the established risk. From the Centre was immediately gathered the information about the family which could indicate human trafficking, and from the centre for social work in the territory of the then current place of stay of the mother with children the information of the relative's family she was with, and consultations were held with the police. The identification was completed in cooperation with the Centre for Social Work. It was established that no human trafficking was involved.

30. What measures are taken in your country to encourage self-identification of victims of THB?

The Centre for Human Trafficking Victims Protection on its web site published the instruction for human trafficking victims, relating to the self-identification and possible support to the victim. The instruction is marked with visible signalisation. 2 leaflets for human trafficking victims were printed – one leaflet about the Centre itself, and the other about possible types of support and organisations which provide such support. The leaflet of the Centre is available to the victims at the police offices, schools, and border crossings.

The hotline of the Centre is available to the victims through the leaflets, posters and web site of the Centre.

Also, the amount of information in the media that lately have shown an enhanced interest in the human trafficking topic, significantly increased. Representatives of the Centre for Human Trafficking Victims Protection appeared in all domestic media, both national and local – television and radio. Moreover, in electronic and printed media were published reportages about human trafficking based on news of the Centre, or interviews with it.

As already mentioned above in section 4, during 2016, **the Red Cross of Serbia** continuously carried out activities for awareness-raising of persons coming from other continents and temporarily staying in our country about potential dangers they may encounter on their way, resulting in involvement with the human trafficking chain. For the purpose of acceleration of the self-identification of potential victims of human trafficking, 5,000 refugees and migrants were informed about preventive measures during educational workshops attended by them where they picked up leaflets translated into languages spoken by the migrants. The contents of the leaflet is the information about human trafficking and telephone number of the Centre for Human Trafficking Victims Protection, and by calling that number they may apply for help. Please find the leaflet enclosed herewith.

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

Since asylum seekers belong to the vulnerable categories and are potential victims of human trafficking, the police officers in charge of establishing the right to asylum at **the Asylum Office**, during the asylum procedure, that is, the interview with an asylum seeker, pay special attention to the answers provided by the asylum seeker, in particular to the answers of the vulnerable category of persons, which may indicate the existence of suspicion about the potential victim of human trafficking or victim of human trafficking. If any police officer suspects that the potential victim of human trafficking or the victim of human trafficking is concerned, he/she shall, without delay, notify his/her immediate superior, the Head of the Asylum Office, the Centre for Human Trafficking Victims Protection, and shall take all necessary steps within his/her competences in the social security system, the basic activity of which is directed towards the protection of victims of human trafficking. A further interview with the person belonging to this category of persons in the asylum procedure will be carried out in accordance with recommendations issued by the employee of the Centre for Human Trafficking Victims Protection, in particular taking into account the age of the victim.

The communication between the authorities responsible to identify victims of human trafficking and the bodies in charge of the asylum, shall be carried on in accordance with the Agreement on Cooperation of Government Authorities in Anti-Trafficking, 2009, and in accordance with the Mandatory Instruction on the Procedure with Smuggled Persons, 2009, regulating in detail the procedure of the police officers in the case of smuggled minors, persons with special needs and asylum seekers. This Instruction regulates the treatment of the human trafficking victims to which the protection is provided.

In the practice so far has not been noted any case of return of a person being the victim or potential victim of human trafficking, who received the negative decision with respect to asylum seeking.

The Committee for Labour, Social Affairs, Social Inclusion and Poverty Reduction of **the National Parliament** undertook a range of activities dedicated to consideration of the actual situation regarding the accommodation of asylum seekers. Besides representatives of the line Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Interior, Ministry of Health Care, the sessions were also attended by representatives of the Commissariat for Refugees and other bodies and organisations.

Also, the Committee held public hearing on November 22, 2016 dedicated to the topic of Presentation of the Manual for Parliament Members – Guidance through International Refugee Law, prepared in cooperation with the High Commissariat for Refugees of the United Nations and the Inter-Parliamentary Union.

Protection of private life (Article 11)

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

Article 42 of the Constitution of the R. of Serbia guarantees the protection of personal data, that is, it provides for that the gathering, keeping, processing and use of personal data are regulated by law. The use of the personal data beyond the scope for which it is collected, is prohibited and punishable under law, except for the needs of conducting criminal proceedings or protection of safety of the Republic of Serbia, in the way provided for by law. Every person is entitled to be notified about personal data collected about him/her, in accordance with the law, and the right to court protection in case of abuse of such information.

The Law on Personal Data Protection (Off. Gazette of the RS", no. 97/2008, 104/2009-other law, 68/2012 – decision of the Constitutional Court and 107/2012) provides for the data protection to any physical person, irrespective of the citizenship and place of permanent residence, race, age, sex, language, religion, political and other belief, national affiliation, social origin and status, material situation, birth, education, social position and other personal characteristics.

This Law also regulates the conditions for collecting and processing the personal data, rights of the persons and protection of the rights of the persons whose information is gathered and processed, limitation of protection of personal data, procedure before the competent authority for protection of personal data, data securing, records, taking the data out from the Republic of Serbia, and supervision over the implementation of this law.

The Commissioner for Information of Public Interest and Personal Data Protection is in charge of personal data protection as a stand-alone government authority, independent in the performance of its competences.

Under Article 16 of the **Law on Personal Data Protection**, the data relating to the nationality, race, sex, language, religions, political party membership, trade union membership, health condition, social security aid receiving, victim of violence, conviction for criminal offence and sexual life may be processed based on the free consent of a person, unless the law allows such processing even upon the consent.

Exceptionally, the information relating to the political party membership, health condition and receiving of social security allowance, may be processed without consent of the person concerned, only if so is prescribed by law.

Article 257 of the **new Law on the Police** ("Official Gazette of the RS" no. 6/2016) provides that provisions of Art. 75-82 of the old Law on the Police ("Official Gazette of the RS", no. 101/05, 63/09 – CC, 92/11 and 64/15) shall apply until adoption of the Law on Records and Data Processing in the field of internal affairs provided for by Art. 252 of this law.

The old Law on the Police ("Official Gazette of the RS" no. 101/05, 63/09 – CC, 92/11 and 64/15) prescribes the purpose and method of data gathering. The police gathers, processes and uses personal data, provides protection and keeps records about personal and other information, for the collection of which it is authorised by this law, for the purpose of prevention and discovering criminal offences and minor offences, and finding their perpetrators. Other personal data can be collected, processed and used by the police only if authorised to do so by other law and if provides the protection of such data as established by law. The authorised officer shall keep confidential, use and handle the personal data it may become aware of during the performance of his/her duties, in accordance with the law.

Numerical data about criminal offences, reported and aggrieved persons, and other numerical data may be used for statistical and analytical purposes at the Ministry. Personal data may be delivered to other bodies, provided that: the body requesting the data is authorised to request and receive such data by law or other regulation; such data are necessary to the requesting body for the performance of

duties falling within its competences; it is not possible to obtain such data otherwise, or if such obtaining would require disproportionately high costs.

The confidential nature of the data at **the Centre for Human Trafficking Victims Protection** is protected by applying the Law on Personal Data Protection and adherence to standards of work with victims, and also by using the protected databases on victims. The rules of professional work and specific internal procedure of the Centre provides for the protection of personal data of the victim, their circulation only for the purpose of identification and provision of assistance and support in a timely manner and always upon the informed consent of the victim. The first step in work with the victim is obtaining his/her informed consent for the process of identification and cooperation in support with other organisations, which can provide the necessary support to the victim. The informed consent of the victim means the victim's decision on acceptance of the identification and/or support, having been previously informed of all factors relevant to his/her position and exercising the rights relating to possible procedures with respect to the experience in human trafficking, and other rights. The information include notification of the right for the period of reflection, the right of the victim to refuse to take part in court proceedings, the right to support, and other. The consent of the victim is obtained in writing, in which is also provided his/her consent for the exchange of information with other participants in the support, to the extent the personal data about the victim are relevant to other service providers. For the purpose of protection of the rights of the victim in procedures concerning him/her, the aforesaid consent shall be always obtained.

From the point of view of work of the professionals at the centre, a possible conflict of interest between professional ethics and pressing charges for a criminal offense is reduced to minimum. The professional is obliged in the first contact with the victim to inform the victim about the professional's role arising out of the competences of the Centre, about obligations the professional has as a professional of the Centre regarding knowledge and obligation to report the criminal offense of human trafficking. The professional is also obliged to provide to the victim detailed information and discuss with the victim his/her right to refuse to take part in the criminal proceedings, and explain that the victim is entitled to the period of reflection and any assistance and support irrespective of the victim's final decision regarding the cooperation with the public authorities. The professional shall also explain the Law on Personal Data Protection, which defines situations of breach of the confidentiality obligation, and the obligation of the State to provide the identification of the victim for security reasons and for the reason of support and assistance to the victim. The informed victim may refuse to cooperate or provide the personal data, however, he/she will know that the criminal offence is reported and that he/she does not have to accept the role of a witness in the proceedings.

Assistance to victims (Article 12)

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:
- a. funding;
 - b. victim's safety and protection;
 - c. standards of assistance and their implementation in practice;
 - d. access to medical treatment, psychological assistance, counselling and information;
 - e. translation and interpretation, where appropriate?

The Law on Prevention of Family Violence, which shall become applicable as of 01.06.2017, to the extent it relates to the protection of, and support to victims, provides for that the competent public authorities and institutions shall, in the first contact with the family violence victim and criminal offence under this law (including also human trafficking under Article 388 of the Criminal Code), provide to the victim full information about the authorities, legal entities and associations which provide to the victim protection and support in the way and in the language the victim of violence understands (Article 29).

The safety and protection of the victims is the priority, which is provided through the cooperation between the social security system, police, prosecutor's office and court and inclusion of a specialised NGO, if it can provide the necessary form of protection to the human trafficking victim. The social security system adopted the Rulebook on Detailed Conditions and Standards for the Provision of Social Security Services, which envisages minimum standards to be ensured by the service provider, in order to be able to provide the respective service. The system of accreditation of training programs and counselling, therapeutic and socio-educational services is also implemented, ensuring that the support

programs are implemented by trained professionals, and in accordance with modern requirements of professional practice. Any service provider, either state-owned or from NGO and private sector, must meet the conditions prescribed by the standards in order to be able to provide a particular service. The resources of the State for the provision of specific services to victims of human trafficking are limited, and the possibility to use the NGO sector's resources is reduced due to non-fulfilment of the prescribed standards by service providers from the NGO sector. This in particular applies to the services of accommodation and alternative accommodation of victims. The availability of medical services, education and connection to the labour market are significantly facilitated since the founding of the Centre for Human Trafficking Victims Protection. The psychological assistance and counselling are ensured through engagement of specialists trained in the systems of health care and education, and also through engagement of psychotherapists who can be funded through both NGOs and the State, likewise the services of representation (engagement of attorneys) and translation. Funding of support is regulated mainly through the budget of the Republic of Serbia, funds from prosecutor's opportunity, and the services are also funded through NGOs funds and projects, and funds of local self-governments.

In accordance with Art. 11 of the Criminal Procedure Code, parties, witnesses and other persons taking part in the proceedings are entitled to use their language and script in the course of the proceedings, and if the proceedings are not conducted in their own language, and if, having become officially informed about the right to translation, they fail to declare that they know the language of the proceedings and that they waive the right to translation, the budget funds will be provided for translation of their or other's statements, including translation of documents and other written evidence. The translation services will be provided by a translator.

For the purpose of improvement of the position of victims of all criminal offences, of particular relevance is the work of the Services for Support and Provision of Information to Aggrieved Parties and Witnesses, which started their operations at the Higher Public Prosecutor's Office in Belgrade in April 2014, and thereafter in December 2015, and at higher public prosecutor's offices in Novi Sad, Kragujevac and Niš, and also at the First Basic Public Prosecutor's Office in Belgrade, which started to operate in 2016.

The founding of these services at all higher public prosecutor's office in Serbia, and also at the Prosecutor's Office for Organised Crime in accordance with the Mandatory Instruction of Procedures of the Service for Provision of Information and Support to Aggrieved Persons and Witnesses at Public Prosecutor's Offices, adopted by the Republic Public Prosecutor on 05.12.2016, is in progress.

Within the operations of the services, the cooperation with the Victimology Society of Serbia is continued, which started by signing the Agreement on Cooperation in January 2015, and also with civil society organisations Astra and Atina, as established by the memorandum of cooperation in 2012 and 2013, respectively.

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

The work on preparation of the new Law on Foreigners regulating this issue is in progress. In practice so far the temporary residence for humanitarian reasons is regulated based on the cooperation between the police and the Centre for Human Trafficking Victims Protection, and is not dependent upon the victim's cooperation with prosecution authorities and taking part in the criminal proceedings.

Article 63 of the Draft Law on Foreigners provides for that the victims of human trafficking will be granted temporary residence provided that there are the following reasons:

- 1) if the Centre for Human Trafficking Victims Protection thinks that their stay is necessary for the reason of their personal situation,
- 2) if the court, prosecutor's office or police think that their presence is necessary for cooperation in the criminal proceedings.

The temporary stay is granted to the foreigner victim of human trafficking for the period up to one year, and to the victim of human trafficking referred to in paragraph 3, item 2 of this Article – for the period not shorter than 6 months, and may be extended under the same conditions.

A foreigner who is granted the temporary stay as the victim of human trafficking, in addition to the right referred to in Article 62 of this law, which is not made conditional upon the foreigner's consent to be the witness, is entitled to access to the labour market, professional improvement and education. If a foreigner to whom the temporary stay is granted as the victim of human trafficking has no sufficient

material means, such a person is entitled to medical and other assistance if it is established that is in need of such assistance.

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

The children may be accommodated only with service providers funded by the state – homes for children, foster families, shelters. So far, there is no specialised shelter for children victims of human trafficking, but it is expected that during the year will start to operate just such a shelter in Novi Sad. At the existing shelters works the trained and licensed staff.

To women victims of human trafficking for accommodation are available several shelters with local service providers, which are designated for victims of family violence and human trafficking. The specialised shelter only for victims of human trafficking and their urgent protection is the most necessary thing, and it is expected that it will start to operate after the adaptation of the approved building for the Centre of Human Trafficking Victims Protection, which has within its structure the organisational unit of shelters for urgent accommodation of women victims of human trafficking.

The most difficult problem is to provide the accommodation for men victims of human trafficking, because the only available solutions are the shelter for adults or elderly persons or accommodation with institutions for adults and elderly persons (homes and gerontology centres), not suitable to all victims. It is necessary to emphasize that in practice there were no male victims to whom it was not possible to provide accommodation. Adult males usually do not accept accommodation, instead, they return to the family.

As far as the accommodation is concerned, in recent years the demand for this form of protection is decreasing, and the most pronounced is the need for a short-term safe accommodation for children victims of human trafficking. The majority of adult victims express the wish to return to their families, while the children, provided that their parents did not take part in the perpetration of criminal offence, are returned to the family with an organised support to the family and community.

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

The provision of information to the victim is a key process in obtaining his/her consent to the use of services and provision of support.

The Centre for Human Trafficking Victims Protection has established the procedure for provision of information to the victims as a mandatory preliminary procedure in work with a victim. The integral parts of this procedure are two forms in writing to be signed by the victims after obtaining the full information. With one form, the victim may give its consent to the support and information exchange, and with the other to refuse the cooperation. If the victim based on the informed consent accepts the support, he/she will be included in the entire process of service provision, from planning to realisation of the support plan, so that all the activities will be organised upon the victim's consent and with his/her participation.

37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

Any victim of human trafficking receives assistance and support based on his/her status of victim, until the consequences of experience with human trafficking are removed or reduced to the minimum possible extent. Thereafter, if necessary, the victim will be referred to other institutions or service providers, where the victim will receive support as long as he/she meets the conditions for receiving assistance or exercising the rights in the field of social security. The victims who continue to use the services of the social security system at the competent centre for social work have a continuous monitoring of effects of services. The purpose of such support to the victims is that they should become independent and leave the support system. To that end, by monitoring the recovery of the victim, in the support are included also other services designated to all citizens whenever possible, so that the victim is gradually transferred from the specialised support to him/her as a victim to the support designated to

all citizens. Employment is the basis for independency of the recovered victims. At the beginning of January 2017 was signed the Agreement between the National Employment Service and the Centre for Human Trafficking Victims Protection supported by the Ministry of Labour, Employment, Veteran and Social Affairs, which contain clear procedures for employment of victims, their occupational training and re-training, if needed, all with the aim to facilitate the access of the victims to the labour market.

Recovery and reflection period (Article 13)

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

Article 62 of the Draft Law on Foreigners provides for also a temporary stay for presumed victims of THB.

For the purpose of physical, psychological and social recovery of the presumed victim, the Centre for Human Trafficking Victims Protection, public authorities, organisations of civil society and other relevant bodies will inform the foreigner regarding whom they have justified reasons to believe to be the presumed victim about conditions for granting the temporary stay and other rights referred to in paragraph 6 of this Article.

The Centre for Human Trafficking Victims Protection will notify the competent authority about initiating the professional procedure referred to in paragraph 1 of this Article, for the purpose of initiating the procedure for granting the temporary stay of the presumed victim.

The temporary stay referred to in paragraph 3 of this Article can be approved for the period up to 90 days, and it is not necessary that the conditions prescribed by Article 43 of this Law are met. Within this period, the presumed victim is allowed to recover and get away from the influence of the perpetrators of the criminal offence and, on the basis of timely and complete information about his/her status, independently, without conditioning upon witnessing, make decision on cooperation with the Centre for Human Trafficking Victims Protection, court, prosecutor's office or police.

If the presumed victim is a minor foreigner without escort, the competent body shall, taking into account the best interests of the minor, take actions for the purpose of establishing the fact whether his/her family is located in the territory of the Republic of Serbia. Before providing the reuniting of the minor with the family, a particular attention will be paid to whether the minor's family is involved in human trafficking. If it is not possible to locate the family in the territory of the Republic of Serbia, or if the competent authority establishes that reuniting the minor with the family is not in his/her best interest, a legal guardian will be appointed for the minor concerned.

During this period no decision on return may be made, and to the presumed victim will be provided a suitable and secure accommodation, psychological and material assistance, access to urgent medical protection, access to minors' education. In case of the need, to the presumed victim will be provided in the language understandable to him/her, translation and interpretation services, counselling services and information about his/her legal rights and rights available to him/her.

Residence permit (Article 14)

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

Article 63 of the Draft Law on Foreigners provides that to victims of human trafficking will be granted a temporary stay, provided that the Centre for Human Trafficking Victims Protection thinks that his/her stay is necessary for the reason of his/her personal situation.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?

In accordance with the new Draft Law on Foreigners, the temporary stay for victims of human trafficking may be granted for the period up to 90 days, and it is not necessary that conditions prescribed by Article 43 of this Law are met. Within this period, the presumed victim is allowed to recover and get

away from the influence of the perpetrators of the criminal offence and, on the basis of timely and complete information about his/her status, independently, without conditioning upon witnessing, make decision on cooperation with the Centre for Human Trafficking Victims Protection, court, prosecutor's office or police.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

Under the new Draft Law on Foreigners victims of human trafficking, including under-age victims, will be granted a temporary stay, provided that there are the following reasons:

- 1) if the Centre for Human Trafficking Victims Protection thinks that his/her stay is necessary for the reason of his/her personal situation,
- 2) if the court, prosecutor's office of police thinks that his/her presence is necessary for the reason of cooperation in the criminal proceedings.

The foreign citizen victim of human trafficking will be granted the temporary stay for the period up to one year, and the victim of human trafficking referred to in paragraph 3, item 2 of this Article for the period of at least 6 month, which period may be extended under the same conditions.

The foreigner to whom is approved the temporary stay as a victim of human trafficking, in addition to the right referred to in Article 62 of this Law, without conditioning upon the consent to witnessing, is entitled to access to the labour market, professional improvement and education. If the foreigner to whom is granted the temporary stay as a victim of human trafficking has no sufficient material means, he/she is entitled to medical and other assistance, if it is established that he/she needs it.

When granting the temporary stay to the victim of human trafficking who is under-age, the competent body will take care of the best interest of the minor, and the procedure for granting the temporary stay will be carried out in accordance with the age and maturity of the minor.

Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;

The Centre for Human Trafficking Victims Protection in all proceedings where the victim is appearing in the role of the witness/aggrieved party, will provide a support to the victim in the form of empowering him/her to take part in the proceedings. This includes provision of information to him/her about the proceedings, his/her rights, appearance of the courtroom, who and how will address him/her during witnessing and other information relevant for the victim to be informed and aware of the process. This contributes to the victim's feeling of security. Also, the victim is supported to learn how to behave in the courtroom and generally, if exposed to threats, insult and other attempts of degradation of his/her personality.

As far as children are concerned, the presence of their parents or legal guardian is mandatory at the hearing. Their presence is always coordinated by the Centre. If they assess that the presence of the parents would additionally traumatize the child (for instance, if the child was sexually exploited, it is difficult to the child to talk before the parents about details), the work with the parents and the centre for social work is initiated, in which case is appointed a temporary legal guardian for the child who will attend the hearing.

To all victims is provided support of trustable person. This may be a professional of the Centre, or associate of the civil society organisation taking part in the support, or some other person designated by the child as the person who is relevant to him/her (in this case, a preliminary verification and consent from the legal guardian authority are necessary). The trustable person always accompanies the child to the hearing, and is present before and after the hearing, together with the legal guardian.

If it is necessary to engage a translator for the preparation of the victim, the Centre will provide such engagement.

In accordance with Art. 11 of the Criminal Procedure Code, parties, witnesses and other persons taking part in the proceedings are entitled to use their language and script in the course of the proceedings, and if the proceedings are not conducted in their own language, and if, having become officially informed about the right to translation, they fail to declare that they know the language of the proceedings and that they waive the right to translation, the budget funds will be provided for translation of their or other's statements, including translation of documents and other written evidence. The translation services will be provided by a translator.

In addition, the General Mandatory Instruction of the Republic Public Prosecutor's Office of the Procedure of the Service for Provision of Information and Support to Aggrieved Persons and Witnesses at Public Prosecutor's Offices of 05.12.2016 prescribes that the basic duty of these services is to provide necessary information to aggrieved parties and witnesses relating to their participation in the proceedings, first of all in the investigation phase, to assess their needs and provide them information about the method of exercising thereof, and to support them to take part in the proceedings, either directly, or through referral to other competent authorities, institutions and organisation that provide support services.

- b. access to free legal assistance and legal aid during investigations and court proceedings;

The Centre for Human Trafficking Victims Protection provides engagement of a legal attorney to the victims of human trafficking, independently or through cooperation with the included organisation of civil society. The attorney engaged receives additional training to represent the victim and has experience in representation of victims. If the court has appointed the legal attorney ex officio, the cooperation is established with the appointed attorney in order to provide a high quality representation of the victim. The attorney engaged shall, after the hearing report to the Centre or civil society organisation about the hearing and communicate any important information for the further proceedings. The report must be in writing.

- d. compensation from the perpetrator;

The non-government organisation ASTRA implemented a project relating to damage compensation to victims of human trafficking and on that occasion was formed the Working Group in which were included experts from court, prosecutor's office and university, who put forward proposals for possible solutions for damage compensation to the victims of human trafficking.

- e. compensation from the state;

Within the above mentioned project of ASTRA was prepared the Feasibility Study of the Compensation Fund including projections and proposals of the way in which the victims of human trafficking could receive indemnity from the State.

- e. compensation for unpaid wages to victims of trafficking.

Please provide examples of compensation awarded and effectively provided to victims of THB.
We have no available information.

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

Whenever investigations of human trafficking are conducted by the special prosecutor for the fight against organised crime, simultaneously is ordered also parallel conducting of financial investigations in order to provide evidence from the very beginning of the investigation with respect to financial aspects of the criminal offence of human trafficking.

During the reporting period, three final convictions were passed for human trafficking and the following property was seized: under the sentence of the Higher Court of Kraljevo were seized 1,400,000.00 dinars (approximately EUR 11,300), under the sentence of the Higher Court of Novi Pazar were seized 49,400 EUR, and under the sentence of the Higher Court of Subotica was seized the property worth 800 EUR.

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

There are no legal obstacles for such a claim, however, we have no available information that any such situation happened.

Repatriation and return of victims (Article 16)

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of cooperation with the authorities of the receiving state?

The Centre for Human Trafficking Victims Protection is in charge of the voluntary return of a victim of human trafficking. Definition of internal procedures of the Centre for Human Trafficking Victims Protection in realisation of the voluntary return is currently in progress. The return of the victim is provided only after verification of safety and conditions for acceptance of the victim – the contacts and cooperation are established with the police and social services, and also with competent courts, if needed. To this end, the Centre cooperates with the Ministry of External Affairs and relevant services in the country of return, using also the support of non-government organisations, where necessary. After assessment that the return is safe, the return is organised and the escort is ensured for the victim, if possible. For organisation of the return, the agreement is made with relevant social security institutions, and also with international organisations that may assist to the return and provide necessary means and acceptance of the victim until his/her departure to the desired destination. The decision on the voluntary return of the victim is made in cooperation with a professional of the Centre, supported by other partners, if necessary. In practice, the Centre organised and realised the return of the victims using budget funds and funds from prosecutor's opportunity.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

The Centre for Human Trafficking Victims Protection has no available information that any victim of human trafficking – citizen of the Republic of Serbia, was returned to Serbia against his/her will.

Corporate liability (Article 22)

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

According to **the Law on Corporate Criminal Liability**, such an option exists, but in case law this never happened relating to the criminal offence of human trafficking under Article 388 of the Criminal Code of the Republic of Serbia.

As to the above mentioned, we would like to point up that **the Ministry of Trade, Tourism and Telecommunication, Market Inspectorate Department**, in its work, and in cooperation with other relevant ministries and civil society organisations, among other things, aims to improve prevention and achieve reduced effects of causes of human trafficking.

The Market Inspectorate Department carries on inspection supervision of business entities performing intermediation employment services, based on a letter rogatory, sent to this body by the Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Interior and civil society organisation ASTRA – Belgrade.

In most cases, in the documents are set out business entities performing the employment services, even when they in accordance with the Law on Employment and Unemployment Insurance

("Official Gazette of the RS", no. 36/09 and 88/10) do not have a license from the Ministry of Labour, Employment, Veteran and Social Affairs, which issues work licenses to the employment agencies and maintains the registry of issued licenses. For any irregularity established in the business activity of the business entity relating to the application of the Company Law ("Official Gazette of the RS", no. 36/2011 and 99/2011) – (performs employment services without prior consent of the competent authority), Law on Inspection Supervision ("Official Gazette of the RS", no. 36/2015) – (performs employment services although not entered in the respective special registry or records maintained by other competent authority – permit, approval, decision, license) or Advertising Law ("Official Gazette of the RS", no. 6/2016) – (if the business activity being the subject of the advertising can be performed as prescribed by law only upon consent, license or other act of the public authority, any advertising is forbidden if no consent, permit or other act of the competent authority is issued), the market inspectors forbid the operation and such advertising, order rectifying irregularities, including the removal of the advertisement. The market inspectors file minor offense charges and criminal offence charges to the competent judicial body.

We would also like to emphasize that the Market Inspectorate Department performs the control over illegal work of physical persons who perform employment intermediation services although not registered, and such persons are forbidden to perform their business activities and ordered to register and for any established irregularity minor offence charges are filed.

Aggravating circumstances (Article 24)

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

Any involvement of a public official in practice would certainly constitute an aggravating circumstance of the committed crime of human trafficking. During the reporting period, there were no such cases. Please see the answer number 22, item c.

Non-punishment provision (Article 26)

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

In the cooperation with the OSCE Mission in Serbia was prepared and published the publication Legal Framework and Recommendations for Application of the Principle of Non-Punishment of Victims of Human Trafficking in the Republic of Serbia, which contains also guidelines for judges, public prosecutors and police officers relating to the application of the principle of non-punishment of THB victims, in accordance with provision of Art. 26 of the Convention of the Council of Europe on Action against Trafficking in Human Beings.

During 2015 and 2016 were organised joint workshops for police officers, public prosecutors of higher public prosecutor's offices and judges of higher courts from the territories of the courts of appeal in Belgrade, Niš, Novi Sad and Kragujevac, and also for the territory of the Higher Court of Vranje, in which took part around 150 trainees.

Pursuant to the above mentioned provision, the public prosecutor's offices applied the principle of non-punishment of victims of human trafficking for perpetration of criminal or other punishable offences. In this context, no requests were filed for instituting minor offence proceedings for prostitution and begging, and no criminal charges were filed for perpetration of the criminal offences they had been forced to commit. With respect to minor criminal offence perpetrators, no public prosecutor's office instituted any preparatory proceedings before any juvenile judge.

Please find enclosed the information from case law of the Supreme Court of Cassation, case 3, relating to the application of the principle of "non-punishment of victims of human trafficking" by the court.

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

Pursuant to Art. 6 of the Criminal Code, the criminal legislation of the Republic of Serbia applies to everybody who commits any crime in its territory.

If any criminal proceedings were instituted or finalized in a foreign country, the prosecution in Serbia will be undertaken only upon approval of the Republic Public Prosecutor's Office.

Prosecution of a foreigner can be assigned to the foreign country under the reciprocity principle.

In addition to the above mentioned provisions, the Law on International Legal Assistance in Criminal Matters prescribes the possibility of provision of international legal assistance, namely:

1) performance of process actions, such as summons and delivery of documents, hearing of the accused, hearing of witnesses and expert witnesses, Locus Delicti investigation, search of premises and persons, temporary seizure of things;

2) application of measure, such as surveillance and recording of telephone and other conversations or communications and optical recording of persons, controlled delivery, provision of simulated business services, entering into simulated legal transactions, engagement of an undercover investigator, computer search and data processing;

3) exchange of notices and delivery of documents and things related to the criminal proceedings in the Requesting State, delivery of information without letter rogatory; use of audio and video conference, forming of joint investigation teams;

4) temporary delivery of a person arrested, for the purpose of investigation before competent body of the Requesting State.

If any charges are pressed for criminal offence abroad by the victim exploited in the territory of Serbia, there are no legal obstacles for investigation of such criminal offence in the territory of Serbia. The only condition is that charges about it should be delivered through international legal assistance or international police cooperation to the competent police or judicial authorities in Serbia.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

a. setting up specialised investigation units and the number of staff involved;

In October 2012, within the public prosecutor's office was introduced the specialisation in prosecution of human trafficking perpetrators. Accordingly, twenty-five specialised public prosecutors and deputy public prosecutors are in charge of human trafficking cases. The coordination is established also with other relevant bodies and institutions, first of all with the Ministry of Interior, Centre for Human Trafficking Victims Protection, and civil society organisations.

Within the Ministry of Interior – Police Directorate, is initiated the reform of human trafficking investigation units, within the next change in competences inside the Police Directorate it is expected that instead of the Border Police Administration and Foreigner Police, the Criminal Police Administration will be in charge of human trafficking investigations, whereby the human trafficking investigations will become more effective, in particular taking into account a proactive approach and application of special investigative techniques (secret surveillance and tracking, undercover investigator and so forth).

b. exchange of information with, and obtaining evidence from, other parties;

The Administration for International Operative Police Cooperation – UMOPS of the Ministry of Interior of the Republic of Serbia during 2016 opened 32 new cases, related to the issue of human trafficking. We would like to note that, in addition to the newly opened cases, the UMOPS officers are also working on the cases of previous years, the number of which is quite large.

In 2016, the Administration for International Operative Police Cooperation received 190 messages related only to human trafficking.

In 2016, three persons were arrested abroad, under our notices, for the criminal offence of human trafficking. Also, we would like to note that in 2016 nine international warrants were issued for the citizens of the R. of Serbia due to criminal offence of human trafficking.

The department for affairs with EUROPOL, through the SIENE channel, in 2016 exchanged a total of 6,615 messages, 212 of which related to human trafficking.

During 2015, the Department for EUROPOL affairs through the EUROPOL channel exchanged a total of 4,752 messages, 181 of which related to human trafficking, and 4 messages – to trafficking in human organs.

In June 2015, after certain experts had been appointed by representatives of the Criminal Police Administration and Border Police Administration and representative of EUROPOL, a Working Arrangement was signed on accession of the Serbian police to the EUROPOL Focal Point Phoenix for the fight against THB within the Analytical Work File for the Fight against Serious Organised Crime. The Serbian police was officially accessed to the above mentioned Focal Point, which will allow certain experts to attend the analytical group meetings together with representatives of other countries, to be notified by EUROPOL upon request on development of the analytical work file, to receive and thereafter transmit results, in accordance with Article 18 to apply the rules regulating the relationship of EUROPOL with its partners, including exchange of personal data and confidential information and in accordance with relevant provisions of cooperation agreements, and only upon the prior consent of the party providing the information relating to Serbia.

The exchange of information and international operative police cooperation through the EUROPOL channels has been significantly improved since the Operative Agreement with EUROPOL and the Arrangement on Accession to EUROPOL's Focal Points were signed, as can be seen also from the number of contributions made to the EUROPOL's databases, i.e. the amount of information delivered by the Serbian police to the EUROPOL for cross-verification through the EUROPOL's data bases and further analyses, when needed, for the purpose of establishing possible hits and joint international investigations, which constitutes one of the most important factors in the cooperation with the EUROPOL and its partners. Therefore, the contribution made by the Serbian police during the first half of 2015 is 201, 10 of which were accepted by the Analytical Work File for the fight against terrorism, and 191 by the Analytical Work File for the fight against serious organised crime, within which is the Focal Point Phoenix, which of the aforesaid number accepted 6 notices, as a contribution of the Serbian Police.

In the period between April 15 and 16, 2015, in Belgrade, at the initiative of the Unit for EUROPOL's affairs, with the financial support of OEBS and of EUROPOL, was held a workshop of EUROPOL's products and services, attended also by the signatories and experts for the Focal Point Phoenix.

- c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;

During preliminary criminal investigation, it is possible to apply special investigative techniques prescribed by the Criminal Procedure Code also in the cases of criminal offence of human trafficking which have no features of organised crime.

The Criminal Procedure Code allows the competent authorities to use special investigative techniques – effective investigative techniques, such as those used in the cases relating to the organised crime and other serious criminal offences.

The provision of Article 161 of the CPC prescribes that special investigative techniques (secret surveillance techniques, secret tracking and recoding, simulated jobs, computer data search, controlled delivery and undercover investigator) may be determined towards a person for whom there are reasonable grounds to suspect that he/she committed a criminal offence under Art. 162 of this Code, where otherwise no evidence can be gathered for prosecution, or the gathering thereof would be significantly aggravated. Article 162 of the CPC provides for criminal offences regarding which may be determined special investigative techniques. These are, first of all, criminal offences the prosecutor's office of special competence (Prosecutor's Office for Organised Crime and Prosecutor's Office for War Crimes) shall take action as prescribed by a special law, and after that specific, exactly listed criminal offences (catalogue of criminal offences for which are applied special investigative techniques), to which belongs also the criminal offence of human trafficking under Art. 388 of the CC. The special investigative techniques can be determined also when the criminal offence of human trafficking was committed by an organised criminal group (Art. 33, par. 7 of the Criminal Code), in which case the Prosecutor's Office for Organised Crime shall take action, as a prosecutor's office of special competence, but also when such a criminal offence is not committed by an organised criminal group, taking into account that the provision of Art. 162, par. 2 of the CPC prescribes that the criminal offence of human trafficking is one of the

criminal offences for which may be determined special investigative techniques, in which case the competent higher public prosecutor's office shall act upon.

- d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;

In accordance with technical resources (since no access to the Internet is available to all units combating human trafficking) the police officers search the Internet in order to discover perpetration of the criminal offence of human trafficking in the recruitment phase.

There were the cases of human trafficking where recruitment were carried on through web sites for advertising business offers.

The Ministry of Trade, Tourism and Telecommunications, Market Inspectorate, in accordance with the Law on Advertising, through market inspectors, forbids Internet advertising of employment intermediation services, if the advertised entity does not hold a license issued by the competent authority to perform such jobs, in which case they order rectifying irregularities, including the removal of the advertisement message.

- e. financial investigations to disrupt criminal money flows and ensure asset recovery;

Financial investigations were conducted against the presumed perpetrators of human trafficking, when there were grounds to suspect that they owned significant property resulting from crime.

Pursuant to the Law on Seizure and Confiscation of the Proceeds from Crime, financial investigation is instituted by order of the public prosecutor, while a specialised Unit of the Ministry of Interior is in charge of collecting evidence on the property of the suspect.

In order to conduct the financial investigation, government and other authorities, organisations and public services shall provide to the Unit an insight, access and taking up the data from their electronic data bases, and an insight into, and delivery of, records, documents, information, and other things. Physical persons and legal entities keeping the documents and evidence on sources of acquiring income and property on any grounds whatsoever, shall deliver them without delay, if it is probable that based on these can be identified the property resulted from crime.

Moreover, the public prosecutor may issue an order to a bank or other financial institution to deliver to the Unit information about business and private account balances and safe deposit boxes of the owners.

If it is probable that a later seizure of the property resulted from crime would be aggravated or impossible, the public prosecutor files a request for temporary seizure of the property.

If it is probable that the owner will dispose of the property resulted from crime before the court decides on the request for temporary seizure, the public prosecutor will issue an order prohibiting such disposal of the property and ordering the temporary seizure of movable property.

The public prosecutor files a request for a permanent seizure of the property resulted from crime within six months from the day of delivery of the final judgement, establishing that the criminal offence of human trafficking was committed.

- f. use of joint investigation teams (JITs).

No joint investigation teams were formed for investigation of human trafficking cases.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

During the reporting period, no criminal charges were filed with public prosecutor's offices for human trafficking crime for the purpose of removal of human organs.

Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in

respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

In the domain of protection of victims and witnesses of all criminal offences, including human trafficking, of particular relevance are provisions of the Criminal Procedure Code, which, besides the basic protection of witnesses and aggrieved parties, also prescribed the possibility of obtaining the status of particularly sensitive witness and protected witness.

For human trafficking victims, obtaining the status of a particularly sensitive or protected witness is of a special importance in the context of provision of appropriate protection during the criminal proceedings, including the possibility of appointing an attorney, reduced possibility to meet the accused face-to-face, special rules of interrogation, and when a protected witness is concerned, also the possibility not to discover his/her identity to the public, and exceptionally, to the accused and the attorney of the accused, in accordance with provisions of the Criminal Procedure Code.

Of exceptional importance is the cooperation established with the Centre for Human Trafficking Victims Protection, centres for social work, civil society organisations, and so-called safe houses. According to the information available, to more than 50 victims and witnesses of human trafficking were applied protection measures – by assigning the status of a particularly sensitive or protected victim, accommodation at a safe house, accommodation of minors with a foster family, provision of physical protection, issuing the restraining order prohibiting the accused to meet or communicate with the aggrieved party or witness etc. In any case, an adequate assistance is provided (medical, psychological, etc.).

In addition, an important role play the founded Services for Provision of Information to Aggrieved Persons and Witnesses at Public Prosecutor's Offices (for more detail see the answer on the question 54).

Difficulties may arise due to the lack of separate premises at public prosecutor's offices and courts for interrogation of victims and witnesses, without presence of the accused, in which cases a secondary victimisation may occur.

Under the Social Security Law, the victims of THB are recognised as beneficiaries of the rights and services arising from social security. As a guarantor of provision of assistance and support to the victims of human trafficking and their protection before, during and after the criminal proceedings, the Government of the R. of Serbia in April 2012, under its Decision 05 no. 02-2835/2012 established the Centre for Human Trafficking Victims Protection as a specialised institution dealing comprehensively with the protection of THB victims, as a specific group of beneficiaries. Thereby is established an efficient system for identification, which, in addition to assigning the status, includes notification of the victim in due course about his/her rights and obligation and provision of necessary information.

The protection of victims of human trafficking does not depend on participation of the victim in the criminal proceedings, taking into account that the operation of the Centre and provision of all available services is independent from the prosecuting authorities and possible cooperation of the victim with the same. In the next period (during 2017), it is expected that the service of the Shelter within the Centre for Human Trafficking Victims Protection will be established, in which case the Centre will provide also the service of urgent admission of victims.

Please find enclosed the description of case law of the Supreme Court of Cassation related to particularly sensitive witnesses – case 2.

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

The Republic Public Prosecutor's Office recognised the need for improvement of position of all victims, for the purpose of which were founded the Services for Provision of Information to Aggrieved Persons and Witnesses at the Higher Public Prosecutor's Offices in Belgrade, Novi Sad, Niš and Kragujevac, and also at the First Basic Public Prosecutor's Office in Belgrade, while the founding of these services at all high public prosecutor's offices, as well as at the Prosecutor's Office for Organised Crime, is in progress. Within the Services, victims and witnesses receive basic information about their rights in the criminal proceedings, procedure for filing criminal charges, status of the case, phase of the case, next phase of the case, and also about the rights in the event of rejection of the criminal charges and waiver of criminal prosecution, method, time and place of interrogation; right of the aggrieved party

to have an insight into the case documents, organisations and associations providing specialised assistance, available services and type of support by other government authorities, institutions and non-government organisations, possibility to obtain the protection provided for by law, right to use during the proceedings their language and script, and the right to translation; right to compensation of costs incurred for the proceedings and the right to property claims, etc.

The goal of founding the Services at public prosecutor's offices is to allow during the proceedings the aggrieved parties (victims) and witnesses of criminal offences to efficiently exercise the right to obtain information and the right of access to support services, in order to facilitate their participation in the proceedings and achieve higher efficiency of the proceedings. The access to support services is provided by executing the memorandum of cooperation with the civil society organisations Astra, Atina and Victimology Society of Serbia. Also, the cooperation is pursued with other relevant organisation providing assistance and support services to victims of criminal offences.

In the protection of victims of THB, an important segment is also the provision of services of legal assistance and representation of the victims. Within the Centre for Human Trafficking Victims Protection, to THB victims is provided necessary legal assistance, that is, legal counselling and intermediation in exercising their basic rights. In addition to the legal counselling, the professionals of the Centre (social worker, two psychologists, two spec. in pedagogy and lawyer) take part in the preparation of the victim to take part in the court proceedings.

Through the Centre for Protection of Human Trafficking Victims is also provided the service of legal representation. This service is funded by the Republic of Serbia, through the annual budget of the Centre for Human Trafficking Victims Protection. The Law on Protection Program for Participants in Criminal Proceedings ("Official Gazette of the RS", no. 85/05) governs the conditions and procedure for the protection of, and assistance to the participants in criminal proceedings (*suspect, accused, witness collaborator, witness, aggrieved party, expert witness or expert*) and persons close to them, who, due to making statements or provision of information relevant to evidence presenting in the criminal proceedings are exposed to threats to life, health, physical integrity, freedom or property.

Special provisions on protection of minors as aggrieved parties in the criminal proceedings are prescribed by the Law on Juvenile Offenders and Protection of Minors in Criminal Justice Proceedings ("Official Gazette of the RS", number 85/05). According to these provisions, inter alia, a minor who is the aggrieved party due to criminal offence, only exceptionally may be heard more than two times, his/her hearing may be conducted without presence of the parties and other participants in the proceedings, at the premises where the witness is, so that the parties and persons entitled to this, can ask him/her questions through the judge, psychologist, pedagogist or other expert; if, as a witness, is heard a minor who, due to the nature of the criminal offence, is in a particularly difficult psychological state, it is forbidden to hold a face-to-face meeting between him/her and the accused; a minor as the aggrieved party must have an attorney from the first hearing of the accused, and there are also other provisions protecting the interests of minor aggrieved persons in the criminal proceedings. For this purpose, the Criminal Procedure Code provides the institute of "*especially sensitive witness*" and provisions of Article 102-106 regulate the field of witness protection. During November 2016, before the prosecutor's office for organised crime for three victims was determined the status of particularly sensitive witness.

Jurisdiction (Article 31)

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

In accordance with provisions of Article 9 of the Criminal Code of the Republic of Serbia, the criminal legislation of the Serbia applies also to any foreigner who outside the territory of Serbia commits against it, or any of its citizens, a criminal offence, if founds himself/herself in the territory of Serbia or is extradited to Serbia. In case law there were examples that before the so-called special court for organised crime were prosecuted for criminal offences our citizens, while the victims were exploited in Italy.

In the period 2012-2016, the police officers of **the Ministry of Interior** – Administration of Criminal Police – Service for the Fight against Organised Crime (SBPOK) initiated several parallel investigations with partners in the region in respect to the cases when female Serbian citizens were the victims of THB in the territories of Italy, Slovenia, Austria and Germany.

Upon receipt of the information that our citizen as a victim of human trafficking is in another State, the Centre for Protection of Human Trafficking Victims, through our embassy or consulate gets in contact with the social service or NGO which takes care of our citizen abroad. The information is exchanged after that directly, with a continuous inclusion of the embassy. With respect to the specific case, and with participation of the victim, the decision is made on further measures – of return of the victim to Serbia, or staying in the country where is. Case law example: In autumn 2016, our under-age female citizen who was exploited in Germany found herself at the home for abandoned children in Hungary. The Centre was notified about the case by our embassy. The girl was returned to Serbia owing to an excellent cooperation between the embassy, Centre, Home in Hungary and the competent Centre for Social Work in the place where the girl's family lives. Prior to her return, the assessment of conditions of the family to which the girl was returned and of safety circumstances were made. The Centre for Social Work and the Centre for Human Trafficking Victims Protections are continuously working with the family. The problem exists with the cooperation with the social service in Germany, which takes care of the under-age child of the victim. The cooperation with German authorities concerning this issue assumed the Ministry for Labour, Employment, Veteran and Social Affairs.

International co-operation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

In the answers to proposals put forward by GRETA in the first evaluation round, specifically relating to the proposal no. 10, during June 2016 was set out in more detail the overview of the international cooperation on action against THB in the past period.

The international Cooperation is pursued also at the level of the National Coordinators on Action against THB in the Southern Europe Region, so that there are two networks of coordinators, within Brdo Proces Incijativa, which includes ten coordinators, and within the MARRI coordinator network from the West Balkan Region consisting of the Republic of Serbia, representative of temporary institutions from the AP of KiM, and in accordance with the political agreements from Brussels, representatives of Albania, Bosnia and Herzegovina, Macedonia and Montenegro.

Currently, the Republic of Serbia presides over the MARRI initiative and as a priority was emphasized the action on trafficking in human beings. At the end of February 2017 in Belgrade will be held a meeting of the network and conferences to address the subject of protection of vulnerable categories of refugees and migrants from human trafficking.

The Ministry of Interior within the IPA 2013 project funded by the EU and dedicated to the fight against organised crime, during December 2016 directly cooperated with the police of Slovenia and the National Coordinator on Action against Trafficking in Human Beings of Slovenia in the part of the project related to a more efficient fight against human trafficking and national coordination of activities in the fight against human trafficking.

In accordance with Art. 10 of the Protocol on Human Trafficking and Art. 1 of the Convention of the Council of Europe on Action against Trafficking in Human Beings, during 2016, through the police liaison officers, was pursued cooperation with Austria, Italy and Romania through the information exchange, in order to establish the way in which recruiting, transportation of victims, route of their movement are carried out and the existence of links between individuals and groups dealing with human trafficking. The purpose of the established cooperation, first of all, is to take adequate preventive and repressive measures, and is assessed as very professional.

Within the Migration Partnership of the Ministry of Interior with the Swiss Office for Coordination of Assistance, based on a portion of funds provided by the Swiss side, in the period between 2017 and 2019 are expected the activities on support in the fight against human trafficking, namely on the strengthening of capacities of the Police Directorate in the field of national coordination, and support in development and activities of local teams for the fight against human trafficking. Also, joint activities of the police and the Commissariat for Refugees and Migration are planned, relating to prevention and identification of victims of human trafficking among refugees and migrants.

The Members of Parliament had the following bilateral meetings and/or took part in international conferences and workshops dedicated to the topic of human trafficking:

- on March 05, 2015, House of the National Parliament of Serbia – meeting between the representatives of the Committee for Human and Minority Rights and Gender Equality of the National Parliament with the government delegation of Kazakhstan (representatives of the Parliament, Ministry of Interior, Ministry of Health and Social Policy, non-government organisation Rodnik) dedicated to the topic of procedures with human trafficking victims;

- on June 21, 2016, House of the National Parliament of Serbia – meeting between the Vice President of the National Parliament, chairman of the Committee for Human and Minority Rights and Gender Equality of the National Parliament, and Special Envoys for Combating Modern Slavery Sir Johan Randall and Anthony Steen.

- on September 27 and 28, 2016, Bucharest, Romania – participation of representatives of the Committee for Human and Minority Rights and Gender Equality and the Committee for Labour, Social Affairs, Social Inclusion and Poverty Reduction at inter-parliamentary workshop European Members of Parliament in the Fight against Modern Slavery organised by the Romanian Parliament and Human Trafficking Foundation of the United Kingdom;

Taking into account the risk of trade and smuggling of people in the situation of enhanced migrations, please find examples of participation at international events dedicated to this topic:

- October 13 and 14, 2014, Rome, Italy – the chairman of the Committee for Human and Minority Rights and Gender Equality of the National Parliament took part at the meeting of chairperson of committees for the basic rights, organised during presiding of Italy over the European Union Council. At the meeting were discussed issues related to the joint European policy of migration and asylum;

- December 16, 2015, Paris, France – participation of representative of the Committee at the international parliamentary Conference on comprehensive humanitarian and political answer to migration and refugee crisis in Europe, held at the National Parliament of the Republic of France.

The Serbian National Parliament adopted the Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Government of the Republic of Belarus on cooperation in the fight against crime (Official gazette of the RS – International Agreements, number 3/15).

The list of bilateral and multilateral international agreements relevant to the international legal assistance in criminal matters in the Republic of Serbia, ratified by the Republic of Serbia, is available on the Internet presentation of the Ministry of Justice, which keeps records on ratified international agreements (<http://www.mpravde.gov.rs/tekst/10585/bilateralni-sporazumi.php> и <http://www.mpravde.gov.rs/tekst/10586/multilateralni-ugovori.php>).

The Law on International Legal Assistance in Criminal Matters governs the procedure of provision of international legal assistance in criminal matters and cases when there is no ratified international agreement, or where certain issues are not regulated thereby. In the absence of the international agreement applicable to the specific case, the international legal assistance is provided on reciprocity basis. Upon the request of the domestic judicial body, the Ministry of Justice of the Republic of Serbia provides a notice of existence of reciprocity, whereby, in accordance with Article 8 of the Law on International Legal Assistance in Criminal Matters, it is presumed that the reciprocity exists, if there is no reciprocity information.

As far as this type of cooperation is concerned, **the Customs Administration** has always taken an active part in all international operations and was an important factor in the fight against all forms of criminal activity. A good example of such cooperation is participation in the international operation between October 10 and 14, 2016, under the working title Mirage, organized by the SELEC Centre in Bucharest, where the leader of the activities at the national level was the Mol of the Republic of Serbia. The target of the campaign was actually to combat illegal crossing of the state border and to fight against human trafficking, and as a result of this campaign, using the equipment of the Customs Administration – mobile scanner for trucks, 29 irregular migrants were discovered.

Measures related to endangered or missing persons (Article 33)

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

Based on the letters rogatory for provision of international legal assistance received from competent Slovenian and judicial authorities of B&H during 2015 and 2016, several female citizens of Serbia who were assessed as THB victims gave testimonies at the Prosecutor's Office for Organised Crime by a video link. In the last operation performed - parallel police investigation of the officers of the Mol of the Republic of Serbia – Criminal Police Administration – SBPOK and the police officers of B&H – SIPA, against the international organised criminal group which acted in the territories of Serbia, B&H and Germany, based on the request for provision of international legal assistance, it was allowed to the police officers of SIPA and competent prosecutors of B&H to directly take part in interrogation of the witnesses. In the afore mentioned cases, the information about the victims of human trafficking was transmitted also to the Centre for Human Trafficking Victims Protection.

58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

On 14.02.2014, the **Ministry of Interior** signed the Memorandum of Cooperation for establishing an efficient system for protection of missing children with **the civil society organisation ASTRA**.

On the basis of provisions of the above mentioned Memorandum, ASTRA delivers to the Ministry of Interior any information about children reported missing and, last year in particular, any information related to the missing children of refugees and migrants.

The Ministry of Interior urgently acted upon the requests sent, and the children foreign nationals were very soon found.

To the Border Police Administration in 2015 were reported two cases of missing children migrants in the territory of the Republic of Serbia by the civil society organisations, of which in one case the child was found in Germany, while in the other case the child was soon after reported missing found in the Republic of Serbia.

Also, in 2016, due to efficient actions of the police officers of the Ministry of Interior, two children were found in the territory of Serbia.

For the second half of 2017, in accordance with the Action Plan for Chapter 24 is envisaged TAIKES, where with support of experts of Belgium will be presented good practice and procedure for response in cases of missing children "Amber Alert".

The National Parliament adopted the Law on Police ("Official Gazette of the RS" number 6/16), applied as of February 5, 2016. Article 59, paragraph 6 of the Law provides that, If a person is reported missing, the police officers shall, in cooperation with other competent authorities, citizen associations and citizens, without delay take measures and activities provided for by this and other laws, aimed to find the missing person.

Co-operation with civil society (Article 35)

59. What steps are taken by your country to encourage state authorities and public officials to cooperate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

The National assembly and its working bodies cooperate with NGOs and other civil societies organizations dealing with the THB issues. Examples of this cooperation include:

- February, 2016 – a meeting was held between the Women's Parliamentary Network and the Incest Trauma Centre to discuss the initiative to have the National Assembly monitor the implementation of legislative measures for the prevention of re-traumatisation of children survivors of sexual violence.

- December, 2016 – members of the Women's Parliamentary Group met with the members of Astra, an NGO involved in anti-trafficking in human beings, to discuss the topic "Women's Parliamentary Group as a mediator between state and non-governmental sector for the purpose of creating an efficient human trafficking legislative".

Note: the Women's Parliamentary Group was established in 2013, as an informal working group, consisting of the female members of the National Assembly of RS.

Representatives of the National Assembly's Committee on human and minority rights and gender equality participate regularly in the anti-trafficking in human beings events organized by the NGOs.

The Committee on Labour, Social Issues, Social Inclusion and Poverty Reduction also cooperates with anti-trafficking in human beings NGOs; e.g. at the public hearing organized on 22 November 2016, with the topic "Presentation of the Handbook for Parliamentarians – A Guide to the International Refugee Law" was attended by the representatives of Atina, an NGO involved in protection of the THB victims.

Centre for human trafficking victims protection, as mentioned above, signed two memos with the civil society organizations – NGO ASTRA and Tijana Jurić Foundation.

The Ministry of Trade, Tourism and Telecommunications, Market Inspection Sector, works with other relevant ministries and civil society organizations (very good cooperation with ASTRA, Belgrade) on prevention improvement and mitigation of the effects of the human trafficking causes.

Commissariat for Refugees and Migrations, in cooperation with the civil society organizations, provides free legal, psychological and social support and aid for the asylum seekers. In this way, by giving psychological and social support, it provides conditions for timely observation and identification of actual and potential victims of trafficking in human beings among the asylum seekers.

The Memorandum of understanding signed between the Swiss Federal Council and the Government of the Republic of Serbia establishing a migration partnership, signed on 30 June 2009, established a regular migration dialogue. Migration dialogues serve for elaboration of all topics from the Memorandum of understanding, in order to devise an efficient process of migration management and strengthening of mutual cooperation. One of the Memorandum items is fight against smuggling of migrants and trafficking in human beings. In 2014-2016, three Migration dialogues took place.

The Commissariat for refugees and migrations supported the project implemented by the NGOs Atina and the Human asylum seekers protection centre - APC "Opening a dialogue in local communities between migrants and citizens on mutual tolerance and nonviolence". A significant aspect of the project is determination of the exposure of migrant population to the trafficking in human beings and other kinds of exploitation, and identification of the human trafficking situations. These NGOs are occasionally present in permanent and temporary migrant and asylum seekers centres managed by the Commissariat, and by their provision of legal assistance and psychological and social support it become possible to detect and identify victims and potential victims of trafficking in human beings among asylum seekers or migrants. Also, the Commissariat cooperated with NGO ASTRA, which used the SOS telephones for info purposes and thus helped potential illegal migrants and victims of human trafficking, conducted prevention campaigns to raise awareness of various structures of citizens about the illegal migrations and trafficking in human beings; provided info about legal ways of migration and direct help to the victims of trafficking, and so on. ASTRA is also occasionally present in permanent and temporary asylum seekers centres, for the purpose of paying attention to raising the public awareness and prevention, and also to education of all state and civil stakeholders.

Relationship with other international instruments (Article 40)

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

The Human and Minority Rights Office of the Republic of Serbia signed a Memorandum of Cooperation with the German Association for international cooperation (GIZ), and in the period November 2013 - November 2015 implemented the program "Social protection and prevention of human trafficking". The objectives of the program were achieved through four components:

- Support to the national level for strengthening of social structures; assistance in finding system solutions and creating social policy.
- Support to decentralized mechanisms for provision of social services on the regional, local and municipality levels.

- Establishment of direct support measures for improvement in social inclusion of persons affected by trafficking in human beings.
- Establishment of the cooperation mechanism for social protection of the vulnerable groups, and upgraded mechanisms for provision of social services.

Outcomes of the *first component*- a program has been accredited and the Handbook for foster parents and child victims of trafficking. Capacities of state institutions were strengthened relative to their specific role in trafficking in human beings. Capacities were built of the Human and Minority Rights Office for human trafficking issues. A Handbook of human trafficking prevention guidelines and local prevention services was developed. Trainings were provided for municipal teams for financial sustainability of human trafficking prevention services and local services sustainability programs for prevention of trafficking in human beings, with a gender component in the context of program implementation, establishment of intersectoral local services for prevention of trafficking in human beings, and respect of genders in all phases of service development. A conference was organized with the representatives of authorities, institutions, local self-governments, civil society organizations and international organizations for the purpose of exchange of experience and building a network of local stakeholders, as a necessary precondition for strengthening of local capacities in establishing sustainable prevention services in combating the human trafficking. Also, in presence of the representatives of the state institutions, international organizations, independent human rights protection bodies and organizations of civil society, the World Day Against Trafficking in Persons was celebrated within the project in Belgrade in 2014.

The second components include a comprehensive review of the social protection system for vulnerable groups, and recommendations were finalized for improvement in service providing. After assessment of the municipal needs, capacities were built of the service providers and the employees of the institutions (representatives of the civil society organizations, social work centres personnel, police, youth offices, work engagement centres, local self-government employees, schools, Red Cross, mobile teams) in 11 pilot assemblies. In these municipalities, five trainings were provided for 100 attendees about program sustainability, financial sustainability, gender equality and establishment of intersectoral local services. Handbooks were created – *Training about work with vulnerable groups* and *Field work and mobile teams*.

In the third component, local partners strengthened their relations and cooperation with public and private sector, and the civil society organizations developed roadmap plans for public/private partnerships and worked on their implementation and cooperation with private companies. Local social action plans were developed by redefining of the existing strategic documents for the purpose of approaching vulnerable groups and defining further technical support to local networks combating human trafficking. In Kikinda, one of the pilot municipalities, a local Strategy for combating human trafficking was developed. This was the first locally developed document on this issue. Civil society organizations developed roadmap plans for public-private partnerships, and work on their further development and implementation, as well as on the cooperation with private companies.

In the fourth component, exchange was established between the Serbian Centre for human trafficking victim protection and the Macedonian Ministry of social care.

In the context of the mentioned Article of the Convention and the fact that the recommendations of the relevant UN Committees also apply to human trafficking prevention, we are herein mentioning that in the last period the Office for human and minority rights undertook many activities related to work out and presentation of the periodic reports, which is within the competence of the office in connection with reporting on application of international contracts in the field of human rights protection and improvement. In 2017, in accordance with the established procedure and set dates, the Office will coordinate the work on creation and delivery of reports through UN human rights mechanisms and coordinate preparation and work of delegation at presentation of two periodical reports. In creation of these documents all pieces of relevant human trafficking information are analysed and incorporated, so that credible information is delivered to the agreed bodies about the actions taken by the Republic of Serbia for the sake of implementation of the received recommendations.

The Office for human and minority rights used the enclosures of the relevant state bodies and civil society organizations to produce the Third Periodic Report on application of the **International Covenant on Civil and Political Rights**, which was, after it had been approved by the Government, delivered to the Committee in September, 2015, as well as the Answers to additional questions of the Committee for human rights, in connection with the Third Periodic Report on application of the International Covenant on Civil and Political Rights adopted by the Government in December, 2016. Delegation of the Republic of Serbia will present Third Periodic Report on application of the International

Covenant on Civil and Political Rights on 7/8 March 2017 at the 119th session of the Committee in Geneva.

Second and Third Periodic Report on Implementation of the Convention on the Rights of the Child was delivered to the relevant UN Committee in May, 2015. In 2016, the Office for human and minority rights prepared, on the basis of the enclosures of the relevant state bodies and civil society organizations, the answers to the additional questions of the Committee on the rights of the child in connection with this Report. Delegation of the Republic of Serbia will present Second and Third Periodic Report on application of the Convention on the Rights of the Child to the Committee on the rights of the child 24 January 2017 in Geneva.

Also, in January 2016, the Office for human and minority rights produced a Report on implementation of the recommendation no. 17 (implementation of all national strategies and action plans, and also functioning of mechanisms related to elimination of discrimination against women, with the focus on endangered women) and recommendation no. 23 (violence against women) from the Concluding observations of the Committee on elimination of discrimination against women in connection with Second and Third Periodic Reports on Implementation of the Convention on elimination of all forms of discrimination against women. The Office will start preparing for creation of the Fourth Periodic Report on Implementation of the Convention on elimination of all forms of discrimination against women so that Report would be delivered in accordance with the recommendations, to the Committee on elimination of discrimination against women in July 2017.

At the end of 2015, the Office for human and minority rights coordinated preparation of the Answers to Additional Questions of the Committee on the rights of the persons with disability in connection with the Initial Report on Implementation of the **Convention on the rights of the persons with disabilities**. Also, it prepared and coordinated the work of the state delegation, which presented the Initial Report in April 2016. According to the received recommendation that the Republic of Serbia is to inform the Committee, until April 2017, about the implementation of two recommendations from the Concluding observations of the Committee, the Office will timely start working on the Report on implementation of the recommendation 34 and 54 in connection with the prohibition of medical measures without prior consent of the person with disability who is subject to such measure, and review implementation of the Law on vocational rehabilitation and employment of the persons with disabilities so as to ensure that this legislation does not put the persons with disabilities in unfavourable position.

At the end of 2014, the Office prepared the Answers to Additional Questions of the Committee on enforced disappearances in connection with the Initial Report on Implementation of the **International convention on protection of all persons from enforced disappearance**, which answers were approved by the Government in January and presented by the state delegation in February 2015. Also, in April 2016, in accordance with the received recommendations, the Office delivered to the committee the Answers about the implementation of the Initial Report on Implementation of the recommendations from the Concluding Observations of the Committee on the Enforced Disappearance in connection with the Initial Report on Implementation of the International convention on protection of all persons from enforced disappearance contained in paragraphs 11,24 & 28.

The Second and Third Periodic Report on Implementation of the **International Convention on Elimination of All Forms of Racial Discrimination** was approved by the Government in December 2015, and will be presented by the Delegation of the Republic of Serbia at the 94th session of the Committee at the end of 2017. According to the established procedure, after the Committee sends a list of questions after it had first studied the submitted report in 2017, the Office will produce Answers to the Committee's Additional Questions.

As regards future activities, we are pointing out the **third cycle of the Universal Periodic Review** within which the Office for human and minority rights will produce, based on the enclosures of all departments, a report on the human rights in the Republic of Serbia, which will be delivered to the UN Council for Human Rights in October 2017.

By implementing the recommendations from the second cycle of the Universal Periodic Review of the UN Council for Human Rights, the Republic of Serbia constituted the **Council for monitoring of implementation of the recommendations of UN human rights mechanisms** in December 2014. This Council reviews and monitors the implementation of recommendations that the Republic of Serbia receives from the UN human rights mechanisms; proposes measures for implementation of the received recommendations; gives opinions on human rights improvement in the reporting period, and also explanations of the human rights condition and the results achieved by implementing the recommendations.

The Office for human and minority rights provides expertise and administrative/technical assistance to this Council. The Government and its respective committees are regularly informed about the Council's activities. To that effect, the Office produced two reports on work of the Council for monitoring of implementation of the recommendations of UN human rights mechanisms.

For the purpose of more efficient monitoring and maintenance of continuity in monitoring the implementation of the recommendations, the Office initiated nomination of a contact persons and their deputies in the respective state bodies to follow the implementation of the recommendations. On the basis of the conclusion of the Council for monitoring of implementation of the recommendations of UN human rights mechanisms the Office for human and minority rights designed the Performance Indicators for implementation of the recommendations, and the preliminary division of competences in connection with the implementation of the recommendations from the Universal Periodic Review and the recommendations of all agreed UN human rights bodies.

The Office produced a Draft Action Plan for monitoring of the recommendations of the UN human rights mechanisms. The Plan contains a recommendation, the body in charge of implementation of the recommendation, result or recommendation status and the implementation time schedule.

At the tenth Human Dimension Implementation Meeting held in Warsaw, on 20 September 2016, the Office for human and minority rights presented the Council for monitoring of implementation of the recommendations of UN human rights mechanisms.

At the two-day international conference - Strengthening the national capacities for efficient implementation of UPR recommendations by relying on the international principles of good practices, organized in Kisniev, the Republic of Moldova, the office presented its UPR experiences, as well as the experience acquired in implementing, monitoring and evaluating of the UN bodies' recommendations.

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

In the Republic of Serbia there are no any cases that the victims or possible victims of THB are granted the asylum.

According to the records of the Centre for protection of the THB victims, 1 victim was in the procedure of being granted the refugee status.

D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

National Assembly of the Republic of Serbia

Supreme Court of Cassation

Republic Public Prosecutor Office

Commissioner for protection of equality

Anti-corruption Agency

Centre for human trafficking victims protection

Ministry of the Interior

Ministry of Education, Science and Technological Development

Ministry of Trade, Tourism and Telecommunications

Ministry of Labour, Employment, Veteran and Social Affairs

Ministry of Finance

Ministry of Construction, Transport and Infrastructure

Ministry of Justice

Commissariat for Refugees and Migrations

Office for Human and Minority Rights

Republic Commission for Protection of Rights in Public Procurement Procedures

Public Procurement Directorate

Academy of Criminalistic and Police Studies

Red Cross of Serbia

Serbian Chamber of Commerce

Radio Television of Serbia

Air Serbia

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

Ministry of Interior – Police Directorate – Border Police Division

E. Statistics on THB (per year, starting with 2010)

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

Data for 2010 and 2011 are based on the available data from the Department for coordination of the THB victims, and as such they cannot be classified in accordance with all requested criteria.

2010

In 2010, 89 THB victims were identified, out of which 28 were potential victims. Identified victim include 47 legal adults and 42 minors, 80 female and 9 male. Victims are mostly citizens of the Republic of Serbia – 85 victims, Croatia, Montenegro, Bosnia-Herzegovina and Romania account for 1 victim each.

Table 1: Exploitation by forms of exploitation:

Forms of exploitation	
Sexual	34
Labour	4
Begging	12
Forced marriage	9
Coercion to commit offenses	1
Adoption attempt	1

Victims were identified by the Department for coordination of the THB victims protection. In preliminary identification, the victims were identified by the police in 74 cases; the social protection system, NGO (Astra and Atina) and International Migration organization, 5 victims each.

2011

In 2011, 88 THB victims were identified, out of which 12 were potential victims. Identified victims include 62 legal adults and 262 minors, 56 female and 32 male. Victims are mostly citizens of the Republic of Serbia – 73 victims; 5 victims' origination is Bosnia-Herzegovina, 2 come from Montenegro and Afghanistan, each, and 1 victim come from each of Austria, Moldova, Ukraine, Slovenia and Turkey.

Table 2: Exploitation by forms of exploitation

Forms of exploitation	
Sexual	36
Labour	22
Begging	7
Forced marriage	4
Coercion to commit offenses	2
Adoption attempt	3
Unknown	2

Victims were identified by the Department for coordination of the THB victims protection. Data do not exist for reporting of potential victims to the Department and/or who took part in preliminary identification.

2012

In 2012, 79 THB victims were identified, out of which 46 were legal adults and 33 minors, 62 female and 17 male. Internal trafficking accounts for 39 cases, and transnational 40 cases. 70 victims and 9 potential victims were recorded.

Table 3: Formally identified exploited victims by forms of exploitation, age and sex

Forms of exploitation	Minor		Legal adults		TOTAL
	F	M	F	M	
Sexual	11		29	2	42
Forced marriage	6				6
Labour exploitation	1		4	7	12
Coercion to begging	8	4			12
Coercion to commit offences			1	2	3
Multiple	1	2	1		4
Sub-TOTAL	27	6	35	11	79
TOTAL	33		46		79

Most of the victims are citizens of the Republic of Serbia - 72 victims; 2 come from Montenegro; 1 from Romania, Moldova, Thailand and Bosnia-Herzegovina, each. All victims were identified by the Centre for THB victims protection. 2012 data about organizations that sent victims for identification are not available.

In 2012, 81 notifications received since July, when the Centre started to work. Data from the previous period notifications are not comparable. Most of notifications come from the police.

2013

In 2013, 92 THB victims were identified, out of which 16 were potential THB victims and 76 exploited victims. 45 minors and 47 legal adult victims were identified. In the group of exploited victims, internal trafficking accounts for 50 cases, and transnational 26 cases.

Table: Identified exploited THB victims by prevailing form of exploitation, age and sex

Forms of exploitation	Minors		Legal adults		TOTAL
	F	M	F	M	
Sexual	14	0	17	0	31
Forced marriage	7	0	3	0	10
Labour exploitation	1	0	1	20	22
Coercion to Begging	3	5	1	2	11
Coercion to commit offences	0	0	0	2	2
TOTAL	25	5	22	24	76

Table: Identified exploited THB victims by prevailing form of exploitation, age and sex

	Internal				Transnational			
	Minors		Legal adults		Minors		Legal adults	
	M	F	M	F	M	F	M	F
Sexual	0	14	0	15	0	0	0	2
Labour	0	0	0	1	0	1	20	0
Begging	5	3	2	1	0	0	0	0
Forced marriage	0	6	0	1	0	1	0	2
Coercion to commit offences	0	0	2	0	0	0	0	0
Sub-TOTAL	5	23	4	18		2	20	4
	28		22		2		24	
TOTAL/ Internal-Transnational	50				26			
TOTAL	76							

In 2013, most of the victims were from Serbia – 88 victims, 2 victims were stateless, and 1 victim come from Serbia and Macedonia, each. Based on preliminary identification, 132 notifications were received, and identification was carried out on the basis of 113 notifications; in 19 notifications, victims were unavailable for the Centre.

Notifiers	Number of notifications
Ministry of Interior	96
Social protection system	27
Civil society organizations	8
High public prosecutor office	1
TOTAL:	132

2014

In 2014, 125 THB victims were identified, of whom 106 legal adults and 19 minors, 24 female victims and 101 male victims. Internal trafficking accounts for 22 cases and translational 103 cases. Since 2014 the Centre has not been keeping special records on potential victims, because these victims have the same status and support as the exploited victims do.

Table: Identified exploited THB victims by prevailing form of exploitation, age and sex

Forms of exploitation	Minors		Legal adults		TOTAL
	M	F	M	F	
Sexual		8		8	16
Forced marriage		4			4
Labour exploitation			98		98
Coercion to Begging	1	2			3
Coercion to commit offences	2				2
Trafficking in children for adoption		2			2
TOTAL	3	16	98	8	125
TOTAL	19		106		125

Most of the victims came from Serbia- 120. 5 foreign citizens were identified to be the THB victims, of whom 2 from the Federation of Bosnia-Herzegovina and 3 from the Republic of Srpska. Victim status was not determined for 6 foreign citizens, 1 from the Czech Republic, Syria, Albania, Romania, Germany and Afghanistan, each. According to the preliminary

identification, the Centre received 351 notifications for identification, of which identification was carried out for 116 persons, while in 135 cases the either the victims were unavailable or the notifications did not refer to identification.

SOURCES OF NOTIFICATION	Number of notifications
Ministry of Interior	289
Social protection system	37
Civil society organizations	12
International organizations	3
Personal	5
Relatives	5
TOTAL	351

2015

In 2015, 40 THB victims were identified, of whom 24 minors and 16 legal adults, 32 female victims and 8 male victims. Internal trafficking accounts for 25 cases and transnational 15.

Table: Identified exploited THB victims by prevailing form of exploitation, age and sex

Forms of exploitation	Minors		Legal adults		TOTAL
	F	M	F	M	
Sexual	8	1	13		22
Labour exploitation	2			1	3
Forced marriage	1		1		2
Coercion to Begging	6	4			10
Illegal adoption		1			1
Coercion to commit offences	1			1	2
Sub-TOTAL	18	6	14	2	
TOTAL	24		16		40

Most of the victims came from Serbia - 37, and 3 victims were foreign citizens – Federation of Bosnia-Herzegovina, Syrian Arab Republic and the Republic of Ukraine, 1 victim each. All victims were identified by the Centre for THB victims protection. After preliminary identification the Centre received 106 notifications for identification, and identification was carried out for 84 victims, while 22 victims were not available for the Centre.

Sources of notifications	Number of notifications
Ministry of Interior	38
Social protection system	38
Civil society organizations	13
International organizations (IOM and UNHCR)	8
Personal	2
Commissariat for refugees	2
Lawyers Office	3
Public Prosecution Office	1
Cent. for THBVP ex officio	1
TOTAL	106

2016

In 2016, 55 THB victims were identified, of whom 21 were minors and 34 legal adults, 47 were females and 8 male victims. Internal trafficking accounted for 21 cases and transnational trafficking accounts for 19 cases.

Table: Identified exploited THB victims by prevailing form of exploitation, age and sex

Forms of exploitation	Minors		Legal adults		TOTAL
	F	M	F	M	
Sexual	7		22		29
Labour exploitation		1		6	7
Forced marriage	3		1		4
Coercion to Begging	1				1
Illegal adoption	2				2
Coercion to commit offences		1			1
Multiple	6		5		11
Sub-Total	19	2	28	6	
TOTAL	21		34		55

Most of the victims come from Serbia - 51. Victims with other citizenship -4, from Nepal, Afghanistan, Albania and Pakistan, 1 from each of them. All victims were identified by the Centre. In the preliminary identification, the Centre received 150 notifications for identification. For the identification purpose 113 victims were contacted (37 victims were not accessible for the Centre).

Source of notifications.

SOURCE OF NOTIFICATION	NUMBER OF NOTIFICATIONS
Ministry of Interior	59
Social protection system	42
Civil society organizations	18
UN agencies and foreign NGOs	9
Prosecution office, court, health care, education	9
Cent. for THBVP ex officio	10
Anonymous notification	1
Personal	1
Commissariat for refugees	1
TOTAL	150

Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

On the basis of the preliminary identification the **Centre for THB victims protection** received 820 notifications for identification **between** July 2012 and December 2016, meaning that the “justified reasons” existed in the preliminary identification to believe the cases involve the THB victims. Out of this number of notifications, 507 victims were contacted for the identification purposes. It was not possible to establish the contact with 313 people in connection with the notifications, because the suspected THB victims were not accessible for the Centre. Out of 507 victims under identification process, 375 victims were identified. The table is given below.

Results of response to notification	Number of notifications
Notifications Total	820
Number of notifications without accessible person	313
Number of notifications followed by identification	507
Number of notifications with identified victim (number of identified THB victims)	375
Number of notifications without THB victim being identified	132

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

According to the Centre's data, temporary stay for the humanitarian reasons was granted to 4 female legal adult sexual exploitation victims, 3 female minors forced marriage victims and 1 female minor coerced to bagging; totally 8 humanitarian stays were allowed for 8 foreign THB victims.

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

All persons under identification process were given necessary assistance and support; totally 507 people because of the legitimate reasons to believe they were "presumed victims" of trafficking in human beings. As soon as the identification process begins presumed victims are given necessary support. If necessary, during the first contact for the purpose of identification, the victim is provided medical care, accommodation, psychological and social support, medicines, food and other required provisions. Support is provided during the entire identification process subject to the situation and needs. If the identification shows the person is not a victim, such person receives information about other kinds of assistance and is referred to other service providers.

Assistance for victims according to the requested disaggregation can be presented for identified THB victims only, 375. Numbers are given in the following table.

Forms of exploitation	Minors		Legal adults		TOTAL
	F	M	F	M	
Sexual	48	1	89	2	140
Labour exploitation	4	1	5	132	142
Forced marriage	21		5		26
Coercion to Begging	20	14	1	2	37
Illegal adoption	4	1			5
Coercion to commit offences	1	3	1	5	10
Multiple	7	2	6		15
Sub-TOTAL	105	22	107	141	375

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

According to the Centre's data, temporary stay for the humanitarian reasons was granted to 4 female legal adult sexual exploitation victims, 3 female minors forced marriage victims and 1 female minor coerced to bagging; totally 8 humanitarian stays were allowed for 8 foreign THB victims.

Number of victims given refugee status and subsidiary/complementary protection.

According to the Centre's data, 1 victim was in the process of obtaining the refugee status.

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

Only one victim received compensation from the perpetrator; it was a female legal adult victim of sexual exploitation – according to the Centre's data

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

Data are available for 18 victims. Destination countries were Italy, Austria, Switzerland, Germany, France, Croatia and Macedonia. These were female victims.

Form of exploitation	Country of destination, age													
	Italy		Austria		Switzerland		Germany		France		Croatia		Macedonia	
	Minor	L.a	Minor	L.a	Minor	L.a	Minor	L.a	Minor	L.a	Minor	L.a	Minor	L.a
Sexual					1	3	1	3	1			1		1
Forced marriage				1						1				
Labour	1													
Multiple	1	2						1						

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

According to available data, all victims repatriated to other countries are female. One minor was repatriated, Montenegrin citizen, coercion to bagging; 3 victims of sexual exploitation, legal adults – citizens of Russia, Thailand, Czech Republic, and 3 female minors, forced marriage victims, citizens of Macedonia and Albania (2 victims).

Number of investigations into THB cases.

Data of the Ministry of Interior about filed criminal charges are given in Appendix 2.

Investigation was initiated against:

2010 – 71 persons

2011 – 45 persons

2012 – 69 persons

2013- 71 persons

2014- 23 persons

2015- 32 persons

2016- 13 persons (this is not a final figure, since the 2016 statistics report is still being prepared)

Number of prosecutions of THB cases.

Indictment is submitted against

2010 – 46 persons

2011 – 48 persons

2012 – 57 persons

2013 - 36 persons

2014 – 22 persons

2015 - 25 persons

2016 – 5 persons (this is not a final figure, since the 2016 statistics report is still being prepared)

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

According to the data of the **Supreme Court of Cassation** in the period from 01.01.2010 until 31.12.2016, for commitment of THB criminal offence 61 final convicting verdicts was pronounced (most of them by the High Court in Belgrade - 23, High Court in Pancevo- 6, High Court in Jagodina - 6, High Court in Kragujevac- 4, and other). 5 persons were sentenced to more than 10 years prison; 28 persons to 5-10 years prison; and 38 persons to 3 - 5 years prison, while 23 were sentenced to 1-3 years prison, and 6 persons to 6 months to 1 year prison.

The following sentences were given in the reporting period:

2010 – prison sentence to 15 persons

2011 – prison sentence to 27 persons, pecuniary penalty to 1 person and suspended sentence to 1 person

2012 – prison sentence to 29 persons and suspended sentence to 3 persons

2013 – prison sentence to 45 persons and suspended sentence to 1 person

2014 - prison sentence to 16 persons and suspended sentence to 1 person

2015 – prison sentence to 11 persons (this is not a final figure, since the 2016 statistics report is still being prepared)

Number of judgments resulting in the confiscation of assets.

In the reporting period three final judgements were pronounced for trafficking in human beings for seizure of property, as follows: by the High Court in Kraljevo - RSD 1.400.000 (approx. Euro 11.300), by the High Court in Novi Pazar - Euro 49,400 and by the High Court in Subotica - Euro 800.

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

Data not available

Number of convictions for the use of services of a victim of THB.

In the reporting period, two convictions were pronounced for abuse of the victim position (clients and others), one by the High Court in Novi Pazar against a person to 3 years of prison and one by the High Court in Novi Sad to suspended prison conviction of 4 years and 1 and a half years prison to be implemented if a new criminal offence is not committed in the suspension period.

APPENDIX: 1

SUMMARY OF THE FACTS DERIVED FROM FIVE IMPORTANT CRIMINAL PROCEEDINGS CONDUCTED IN THE PERIOD FROM 2012 TO 2015 IN THE REPUBLIC OF SERBIA IN WHICH THE ACCUSED WERE FINALLY PRONOUNCED GUILTY BECAUSE OF COMMITTING CRIMINAL OFFENCE OF TRAFFICKING IN HUMAN BEINGS REFERRED TO IN THE ARTICLE 388 OF THE CRIMINAL CODE

SUBJECT-MATTER OF THE ANALYSIS OF THE SUPREME COURT OF CASSATION:

1. Finally concluded criminal proceedings conducted in the case of the High Court in Vranje K 9/12 against the accused A.R. because of two THB offences referred to in the Article 388, paragraph 3 in connection with the paragraph 1 of the Criminal Code.
2. Finally concluded criminal proceedings conducted in the case of the High Court in Belgrade, Special Department K PO1 14/12 against the accused M.M. et.al., because of continued THB offence referred to in the Article 388, paragraph 7 in connection with the paragraphs 1 and 3 of the Criminal Code in co-perpetration.
3. Finally concluded criminal proceedings conducted in the case of the High Court in Novi Sad K 322/12 against the accused S.J and V.M. because of THB offence referred to in the Article 388, paragraph 3 in connection with the paragraph 1 of the Criminal Code, etc.
4. Finally concluded criminal proceedings conducted in the case of the High Court in Belgrade K 334/13 against the accused E.A. because of THB offence referred to in the Article 388, paragraph 2 in connection with the paragraph 1 of the Criminal Code.
5. Finally concluded criminal proceedings conducted in the case of the High Court in Novi Sad K 182/12 against the accused E.I. because of THB offence referred to in the Article 388, paragraph 3 in connection with the paragraph 1 of the Criminal Code, etc.

OBJECTIVES OF THE ANALYSIS:

1. To describe briefly profiles of perpetrators of THB offences;
2. To describe briefly modus operandi of perpetrators of THB offences;
3. To refer to financial aspect;
4. To describe briefly profiles of victims and/or parties injured by committed THB offences;
5. To provide other information specific for THB offence and which might contribute to better understanding of the flows of human trafficking in the Republic of Serbia.

I Criminal proceedings

By analysing the proceedings conducted in the case of the High Court in Vranje K 9/12 against the accused A.R. because of two THB offences referred to in the Article 388, paragraph 3 in connection with the paragraph 1 of the Criminal Code which was finally concluded on 25 March 2014, it was established as follows:

1. **Profile of the perpetrator** - the accused A.R. is the citizen of the Republic of Serbia, of Albanian nationality, aged 52 at the time committing of the criminal offences commenced, with middle income, literate, with completed elementary school, widower, father of one child, with three prior convictions, but not for identical criminal offence for which he was convicted in these proceedings, from which convictions to committing the respective criminal offences more than 17 years elapsed. During the proceedings the accused denied that he committed the respective criminal offences.

2. Modus operandi of the perpetrator – Both criminal offences were committed by the accused against two underage injured parties, who were sisters, by abusing their difficult economic social situation and acquaintance with the injured parties' parents, thus their family situation and lack of parental care were known to him. He first misled the elder minor that she would work in his house as a house keeper for the fee of EUR 200 per month, and later on he also brought to his house the younger underage injured party by using coercion, where he kept them by restricting their freedom of movement continuously threatening them that he will kill their family and them if they try to escape, whereby he physically injured one underage injured party, all with the aim of **exploitation of their work**, in the form of performing housekeeping and agricultural work, without any compensation and **creating and establishing slave relationship towards the underage injured parties**.

3. Financial aspect – in this specific case it was indirectly achieved by performing housekeeping and agricultural work by the underage injured parties for the accused.

4. Profiles of victims – In this specific case we have two underage injured parties – two children, from the territory of the Republic of Serbia, both aged 17 at the time the criminal offences were committed, who come from a poor family supported by social assistance with five minors, father and mother suffering from mental illness; whereas during expert neuropsychiatric testimony it was established that one injured party had a slight mental retardation, that she was extremely neglected during her upbringing, and that her entire life was without any pragmatic directions, and that it happened very often that she did not realize how the decisions she made affected her.

5. Other specific information – In this specific case the Court established the state of facts on the basis of the underage injured parties' testimony, who during the proceedings consistently described how they went into the accused's house, what the accused made them do during their stay at his house and in what way he kept them there and restricted their freedom of movement, and on the basis of testimonies of other witnesses heard during the proceedings (mother of the injured parties, police officers, and the accused's son in law who stated indirect findings about the critical events disclosed to him by his wife – the accused's daughter who stayed at the accused's house during the critical period and who run away from the house together with one injured party). The accused kept the injured parties in his house by using force and threats, first one and then the other injured party in the period longer than two years. After the critical event one of the injured parties has mental consequences, i.e. from expert psychiatric testimony the Court established personal suffering and emotional disturbance with this injured party which in this specific case were caused by dramatic events that occurred in the accused's house.

In these proceedings by the first instance verdict the accused was initially sentenced to a single term of imprisonment of 5 years, but in the proceedings upon appeal the first instance verdict was reversed as regards decision on the sentence so that the accused was finally sentenced to a single term of imprisonment of 10 years. The injured parties were instructed to file property claims in civil litigation.

Method of detecting criminal offence and perpetrator – Both injured parties run away from the accused's house, whereas the second injured party who stayed at the accused's house run away from the house with the accused's daughter and returned to her parents' house and later on disclosed the whole case to the Police, and the accused's daughter also reported the whole case to the Croatian Police – Interpol.

II Criminal proceedings

By analysing the finally concluded proceedings conducted in the case of the High Court in Belgrade, Special Department for Organized Crime K PO1 14/12 against the accused M.M. et.al., because of THB offence referred to in the Article 388, paragraph 7 in connection with the paragraphs 1 and 3 of the Criminal Code in co-perpetration, it was established as follows:

1. Profiles of perpetrators:

- The first accused M.M., aged 49 at the time the respective criminal offence was committed, with registered residence in the territory of the Republic of Serbia, but with place of abode in the territory of Italia and Romania, no prior convictions. For this accused it is characteristic that in these proceedings he was tried in absence because the Appellate Court from Brescia did not grant permission for his extradition because criminal proceedings were conducted against him before competent authorities of the Italian Republic for identical criminal offence.

- The second accused P.T. is the son of the first accused, aged 29 at the time the respective criminal offence was committed, citizen of the Republic of Serbia with residence in the territory of Serbia, but with the place of abode in the territory of the Italian Republic, literate, completed elementary school, married, father of three minors, without any immovable property, with monthly earning of approximately EUR 2,000, no prior convictions, during the proceedings he denied that he had committed the criminal offence.

- The third accused Ž.S., aged 28 at the time the criminal offence was committed, citizen of the Republic of Serbia, with residence in the territory of the Republic of Serbia, literate, completed secondary traffic school, living in common-law marriage, father of one underage child, without any immovable property, with monthly earning of approximately RSD 100,000.00 – 130,000.00, no prior convictions, during the proceedings he denied that he had committed the criminal offence.

- The fourth accused V.Đ., aged 23 at the time the respective criminal offence was committed, with the residence in the territory of the Republic of Serbia and with the place of abode in the territory of the Italian Republic, literate, completed elementary school, living in common-law marriage, with no children, unemployed, without any immovable property, no prior convictions, during the proceedings he denied that he had committed the criminal offence.

2. Modus operandi of perpetrators – In these proceedings the accused were pronounced guilty of committing the respective criminal offence as an organized criminal group organized by the first accused, which existed for a certain period of time and acted by mutual consent with the aim of committing several THB offences, including minors – children, in order to acquire direct financial benefit. The first accused elaborated the plan of action for the organized criminal group, and according to this plan the other three accused, as the members of that organized criminal group, upon direct orders of the first accused by abusing the trust and using difficult economic situation of the injured parties they recruited the four injured parties to transport them to Italy, whereby they told to one of the injured parties that she would work there as a baby sitter. When they brought the injured parties to Italy they first took away their identity and travel documents by using physical force and threats, and afterwards they forced them to be engaged in prostitution. They transported them to a location reserved in advance at which prostitution was taking place, where they provided sexual services to clients on a daily basis, and the accused controlled them at all times to prevent the injured parties from running away, calling for help or saving a part of money earned by prostitution for themselves. At the end of the “working” day the accused took from them all the money earned by provision of sexual services. They recruited two underage injured parties by abusing their difficult economic situation to go to Italy to be engaged there in prostitution. At the time when it was planned that the second accused and the fourth accused take over from the third accused another two underage injured parties in Belgrade and take them to Italy, the accused were stopped and deprived of freedom by police officers.

3. Financial aspect - in this specific case the accused acted as an organized criminal group which was organized precisely with the aim of acquiring financial gain, whereby the injured parties gave to the accused all money earned by providing sexual services who divided such money among themselves. According to the testimonies of the injured parties' witnesses they provided sexual services for the amount ranging from EUR 30 to 50 per client, and they had about 10 clients a day, whereby the injured party J.P. earned money in this way and gave it to the accused in the period from the end of April 2011 to 26 June 2011, the injured parties S.T. and O.T. in the period from 18 May 2011 until the end of May 2011, and the injured party B.J. from 18 May 2011 to October 2011. Pursuant to the Articles 91 and 92 of the Criminal Code the material gain acquired by committing the respective criminal offence was

confiscated from the accused and the same are obliged to transfer jointly the amount of EUR 55,000 to the Budget of the Republic of Serbia.

4. Profiles of victims:

- The injured party J.P., aged 19 at the time the respective criminal offence was committed, citizen of the Republic of Serbia, from a dysfunctional family, lives with her father, who, being a truck driver is very frequently absent from home, with completed secondary school, without full time employment which would provide her income sufficient and necessary for a normal life and fulfilment of her needs. For this injured party it is characteristic that before committing the respective criminal offence she was involved in emotional relationship with the third accused from which she created an illusion that she was loved by him, so that she decided to go to Italy with the third accused in hope for a better life.

- The injured party B.J., aged 27 at the time the respective criminal offence was committed, she has never been examined because she was inaccessible to the Court and law enforcement during the proceedings. As regards the data on this injured party, from the testimony of her mother the Court established that the injured party B.J. was a single mother of two underage children from two different fathers, citizen of the Republic of Serbia, with no full time employment and regular source of income, who got in trouble with the law because of drug possession and serving of prison sentence was awaiting her, what was the reason that in the summer of 2011 she decided to go abroad to earn some money for support of her children. According to her mother's testimony the injured party had great confidence in the third accused.

- The injured party O.T., aged 20 at the time the respective criminal offence was committed, Roma woman, citizen of the Republic of Serbia, from a dysfunctional family, with no employment, without income. This injured party is a sick person what was established from the finding and opinion of the court expert-psychiatrist who stated that she had been treated five times and that her diagnosis was non organic, non-specific mental disorder. Familiar relationship existed between the family of this injured party and the family of the third accused.

- The injured party S.T., aged 22 at the time the respective criminal offence was committed, Roma woman, citizen of the Republic of Serbia, from a dysfunctional family, sister of the injured party O.T., married, mother of one underage child aged two and half years at the time of the questionable developments, lived in very difficult material conditions from income provided by her husband as a musician. Familiar relationship existed between the family of this injured party and the family of the third accused.

- The underage injured party S.S. – a child, aged 17 at the time of the questionable developments, citizen of the Republic of Serbia.

- The underage injured party T.J. – a child, aged 16 at the time of the questionable developments, citizen of the Republic of Serbia, child of divorced parents, her mother living in Vienna, her grandparents take care of her, inclined to drug abuse for a longer time, according to her own admission she was engaged in prostitution, for some time she had an affair with the brother of the third accused, thus the circumstances of this injured party were known to the third accused.

5. Other specific information:

The witness - the injured party J.P., aged 19, based on the opinion of the court expert-psychologist, in accordance with the Article 103 of the Criminal Procedure Code was granted the status of an especially vulnerable witness and her examination was conducted within the meaning of the Article 104 of the Criminal Procedure Code, in the presence and with assistance of the court expert-psychologist. During her examination this witness was physically separated from the courtroom, she was examined by using technical devices for transmitting images and sound, during which time, on the grounds of the panel's decision, the public was excluded. The state of facts in these proceedings for the most part was determined from the testimony of this injured party, who during the proceedings described consistently and in detail how she was recruited by the third accused, with whom she was emotionally involved, to go to Italy to work there as a baby sitter, and the way in which the accused treated her and

the injured parties B.J., O.T., and S.T., how they took away their documents and by using physical force and threats forced them to provide sexual services, constantly controlling them and requesting from them at the end of the day to give to the accused all money earned by provision of sexual services.

In addition, the state of facts was determined on the basis of the contents of telephone transcripts, by tapping telephone conversations which the accused made among themselves, with the injured parties and third parties, which were procured based on recording the telephone conversations of the accused upon court's order. Parts of such conversations made among the accused and with third parties in which they were talking about the location where sexual services were provided, about the price of the site in the street for one girl and the way of work of the girls and how they were controlled, completely coincide in particulars and details with the testimony of the witness-injured party J.P.

The testimony of the witness-injured party O.T. was accepted by the Court in the part where she stated that she and her sister the injured party S.T. knew that they would be engaged in prostitution in Italy, but that they did not know that travel documents would be taken from them and that they would be exploited there, i.e. that they would have to give to the accused all money they earned. The Court established that due to the fact that there existed familiar relationship between the injured party's family and the family of the third accused, during her testimony the injured party tried to eliminate his role, shifting the entire blame to the persons not present during these proceedings. This witness could not be examined during the main hearing because of her illness and inability of the Court to establish communication with her.

The witness-injured party S.T. during the proceedings denied that she was engaged in prostitution in Italy, and the Court assessed that her testimony was calculated to hide the truth with the aim to save her family and marriage for which she obviously cared very much, what the Court concluded also from the testimony of her husband who, despite his doubts what really had happened to his wife during her stay in Italy, wished to keep illusion that she went to Italy in order to work in a Chinese shop.

The underage injured party T.J. partially changed her testimony during the proceedings because contrary to the initially given testimony later on she insisted on the moment of voluntariness and her personal will to go to Italy to be engaged in prostitution. Although she previously told that in the conversation with the third accused they did not discuss the way of work and financial moment of her engagement in prostitution in Italy, later on she said that according to the agreement with the third accused all money she earned by prostitution was her own. Since during her first examination in the Police the injured party stated that she feared for her safety, the Court concluded that the injured party tried to justify the third accused by the said changes out of fear. In addition, from the contents of the telephone conversations made among the accused and which the third accused made with the underage injured parties T.J. and S.S. it is clear that this accused recruited the injured parties to go to Italy in order to be engaged in prostitution in line with already existing pattern.

The accused were tried in these proceedings in the Special Department for Organized Crime of the High Court in Belgrade and they were sentenced to imprisonment as follows: the first accused to the prison sentence of 14 years, the second accused to the prison sentence of 10 years, the third accused to the prison sentence of 12 years, and the fourth accused to the prison sentence of 10 years. The injured parties J.P. and B.J. were instructed to file property claims in civil litigation.

Method of detecting criminal offence and perpetrators

The injured party J.P. succeeded at one moment to hide some money earned by prostitution, pay credit for the phone, call her father and ask him for help. The injured party's father contacted the non-governmental organization Astra, and after that the action of her rescue followed, while the injured parties S.T. and O.T. managed to escape. Their case was discovered based on the testimony of the injured party J.P. and the contents of telephone conversations of the accused. The second accused, the third accused and the fourth accused were arrested by police officers, who by the order of the court tapped them all the time and followed them, at the petrol station at the moment when the third accused was supposed to deliver to the second accused and the fourth accused two underage injured parties S.S.

and T.J. whom he previously recruited to go to Italy. The first accused as the perpetrator of THB offence was arrested in the territory of the Italian Republic, where he is tried for this offence.

III Criminal proceedings

By analysing the proceedings conducted in the case of the High Court in Novi Sad K 322/12 against the accused S.J. and V.M. because of the THB offence referred to in the Article 388, paragraph 3 in connection with the paragraph 1 of the Criminal Code, etc. which was finally concluded on 13 May 2013, it was established as follows:

1. Profiles of perpetrators:

- The first accused S.J. is the citizen of the Republic of Serbia aged 22 at the time the respective criminal offences were committed, previously convicted for criminal offences against property, during the proceedings he denied that he had committed the respective criminal offences.

- The second accused V.M., citizen of the Republic of Serbia, aged 21 at the time the criminal offence was committed against the underage injured party A.M. for which he was pronounced guilty, no prior convictions, during the proceedings he denied that he had committed the respective criminal offence.

2. Modus operandi of perpetrators:

- As regards the criminal offence committed against the underage injured party A.M. - by abusing trust and her difficult economic-social situation the second accused misled this injured party and recruited her with the aim to be engaged in prostitution. He took her to the house of the first accused, under the pretext that he was taking her to a coffee, whereby it was known to him that the injured party was a drug addict, where the first accused imposed a debt on her of RSD 18,000 for narcotics telling her that she had to provide sexual services to clients brought to her by him in order for the debt to be settled, whereby the underage injured party D.M. told her that the first accused kept prostitutes and that she should listen to him or else she would get beating. When she refused to do so the first accused by using physical force – by slapping her frightened the underage injured party A.M., who after that agreed to provide sexual services and did it for nine days.

- As regards the criminal offence committed against the underage injured party D.M. - the first accused recruited the underage injured party with the aim to be engaged in prostitution by abusing her difficult economic-social situation. He entered into emotional relationship with her, moved her to his house and requested from her to provide sexual services, what she accepted and did it during the period of four months. All money she earned in this way she gave to the first accused.

3. Financial aspect - in this specific case both underage injured parties gave to the first accused all the money they earned by providing sexual services.

4. Profiles of victims:

– The underage injured party A.M. – a child, citizen of the Republic of Serbia, aged 15 at the time the respective criminal offence was committed, lived in the Children's Village without parental custody, marijuana addict, without any money.

- The underage injured party D.M. – a child, citizen of the Republic of Serbia, aged 17 at the time the respective criminal offence was committed, has mother, stepfather and half-sister, at the time the respective criminal offence was committed she lived in the apartment of the first accused and was engaged in emotional relationship with him.

5. Other specific information:

In this specific case the Court established the state of facts based on the testimony of the underage injured party A.M., who consistently during the proceedings described how she was recruited

by the second accused to go to the house of the first accused, where the first accused by using threats and physical force kept her for nine days, requesting from her on account of the alleged debt of RSD 18,000 to provide sexual services to clients whom he brought, what indicates that the first accused imposed the debtor relation on the injured party towards him. The injured party also described how the other injured party D.M. recruited her to be engaged in prostitution for the account of the first accused, what was not challenged by the first accused who stated that the injured party D.M. was supposed to "show her the ropes" of engagement in prostitution. During the proceedings the underage injured party D.M. changed her deposition, thus the Court did not accept the deposition given by this injured party in the previous proceedings because it assessed that by such deposition this injured party wanted to protect the first accused with whom she was emotionally involved, what was determined during these proceedings beyond controversy, but accepted her deposition given at the main hearing in which she stated how she was engaged in prostitution while she lived together with the first accused and that she gave all earned money to the first accused. On the grounds of expert psychiatric testimony during the proceedings the Court established that both underage injured parties were capable of giving authentic testimony.

Characteristic for these proceedings is that, although the underage injured party D.M. recruited the other underage injured party A.M. by telling her that she will be a prostitute of the first accused and that she should listen to him or else she will get beating, therefore she undertook illegal activities, the same, within the meaning of the Article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings was not sanctioned since she herself was the victim of trafficking in human beings because she was used by the first accused who entered into emotional relationship with her thus gaining her trust, all in order for the injured party D.M. to be engaged in prostitution and give all money earned in this way to the first accused, what she accepted.

Because of the specified two THB offences the accused S.J. was pronounced guilty and sentenced to a single term of imprisonment of six years, while the accused V.M. on account of committing the criminal offence against the underage injured party A.M. was sentenced to a term of imprisonment of five years. The underage injured party A.M. was instructed to file property claim against the first accused in civil litigation, whereas the underage injured party D.M. did not file any property claim.

Method of detecting criminal offence and perpetrators - After nine days of keeping the underage injured party A.M. in his house the first accused let her go and she returned to the Children's Village, and after that she reported this whole case to the Police, whereas the underage injured party D.M. remained in the house where she lived together with the first accused until he was deprived of liberty.

IV Criminal proceedings

By analysing the proceedings conducted in the case of the High Court in Belgrade K 334/13 against the accused E.A. because of the THB offence referred to in the Article 388, paragraph 2 in connection with paragraph 1 of the Criminal Code which was finally concluded on 18 February 2014 it was established as follows:

1. Profile of perpetrator – The accused E.A. is citizen of the Republic of Serbia, aged 32 at the time the respective criminal offence was committed, literate, divorced, mother of three underage children, with completed six grades of elementary school, without employment, supports herself by prostitution, drug addict, one prior conviction because of criminal offence against property, during the proceedings she denied that he had committed the criminal offence.

2. Modus operandi of perpetrator – The accused committed the criminal offence against the underage injured party by abusing her difficult economic-social situation and recruiting her with the intention to exploit her by engaging her in prostitution, telling her that in this way she will earn money for living and so misled her. She took the underage injured party who lived with her as a lodger to Pančevo Bridge where the underage injured party provided sexual services to clients with whom the accused agreed the amount ranging from RSD 2,000.00 to 5,000.00, which money the accused kept for herself.

When the injured party started to request from the accused not to force her any more to be engaged in prostitution and when the injured party cried the accused forced the injured party to continue to be engaged in prostitution by threatening that she will harm her and her mother, by using force and pulling her hair and hitting her, meanwhile restricting her freedom of movement.

3. Financial aspect - in this specific case the accused recruited the injured party to be engaged in prostitution precisely with the aim of acquiring financial gain, since the accused kept for herself all money the injured party obtained by providing sexual services.

4. Profile of victim – The underage injured party B.F. – a child, citizen of the Republic of Serbia, aged 12 at the time the respective criminal offence was committed, raised by her unemployed mother, her father died when she was a baby, her mother, brother and sister and herself lived on social assistance. Immediately before the critical event together with her brother and sister she lived in a child caring institution wherefrom her mother took her and after that she lived with her mother as a lodger in the accused's garden house. During the proceedings expert psychiatric testimony established that intellectual abilities of the injured party were at the level below average, that she was characterized by upbringing and educational neglect, but that the level of her general mental development did not depart from the expected for the calendar age she belonged to.

5. Other specific information – In this specific case the Court firstly established the state of facts based on the deposition of the underage injured party, who consistently during the proceedings described in detail how the accused recruited her to be engaged in prostitution and how the accused took her to the place where she found clients to whom the injured party provided sexual services for pecuniary compensation determined in advance agreed by the accused, who kept all money for herself. She also described how the accused later on by using force and threat continued to force her to be engaged in prostitution. Deposition of the witness D.V. given before Police authorities, which witness was emotionally involved with the accused, coincides with the deposition of the underage injured party in the particulars concerning the stay of the injured party in his apartment and her engagement in prostitution together with the accused. However, later on at the main hearing this witness changed his deposition stating that he had no findings about engagement of the underage injured party in prostitution, but such changed deposition was not accepted by the Court which assessed that the witness wanted to help the accused he was emotionally involved with, in order that she avoids culpability.

In these proceedings the accused was sentenced to the term of imprisonment of three years and six months and safety measure of mandatory drug abuse treatment was pronounced to her.

Method of detecting criminal offence and perpetrator – Mother of the underage injured party noticed that her daughter behaved weirdly and after people draw her attention that her daughter was engaged in prostitution, and when the underage injured party did not come home for several days she decided to include the Police by reporting disappearance of her underage daughter. After that the Police found the injured party and returned her to her mother and in this way the entire case was detected.

V Criminal proceedings

By analysing the proceedings conducted in the case of the High Court in Novi Sad K 182/13 against the accused E.I. because of the THB offence referred to in the Article 388, paragraph 3 in connection with paragraph 1 of the Criminal Code and the THB offence referred to in the Article 388, paragraph 1 of the Criminal Code which was finally concluded on 16 April 2014 it was established as follows:

1. Profile of perpetrator – The accused E.I. is citizen of the Republic of Serbia, aged 43 at the time of commencement of the respective criminal offences, who, besides the injured parties being his daughter and wife, has another six children, all of them living in an informal Roma settlement in difficult social-economic conditions, in the house without water and sanitary block, in a single room in which all of them were sleeping and living, supported by financial aid and regulated right to children's allowance, unemployed, no prior convictions.

2. Modus operandi of perpetrator – The accused committed criminal offences against his common-law wife and underage daughter by abusing the dependency relationship, using force and threats recruited them to begging, forcing them to beg at various locations in Novi Sad, requesting from them to beg from RSD 1,000.00 to 2,000.00 per day, and if the injured parties objected or if they did not bring enough money he beat them, slapped them, hit them on the head and body using his hands and other objects, whereby he forced his pregnant common-law wife to take sometimes with her also the underage son aged 6, and he took from the injured parties the money earned by begging and spent it on gambling.

3. Financial aspect - in this specific case financial gain was directly achieved in the form of the money earned by the injured parties by begging and which they gave to the accused.

4. Profile of victims – In this specific case we are dealing with the mother who was pregnant at the time the respective criminal offences were committed and the underage daughter who did yet not turn 14 at that time, both living with the accused and another five minors the injured mother had with the accused in the informal Roma settlement in inadequate living conditions, without sufficient means for life, all of them supported by social assistance.

5. Other specific information:

The state of facts was initially established by the Court from the depositions of the injured parties themselves, who consistently and in detail during the proceedings described how the accused forced them to beg and to facilitate this he used physical force and threats, and all money earned by begging they had to give to the accused who spent it on gambling. In case they did not bring sufficient money he beat them. Depositions of these witnesses were confirmed by the witness who was the injured mother's sister who stated that she knew that the accused beat the injured parties and forced them to beg, and that they begged six days a week and that the injured parties were afraid of the accused and therefore did not report him. In addition, the witnesses Č.R. and B.R. stated during the proceedings that they knew that the injured parties were involved in begging.

The injured parties were in the dependency relationship with the accused, they were afraid of him because he beat them constantly and they continued to be afraid of him and expressed their concern what would happen when the accused comes out of prison. During the proceedings the injured mother stated that criminal proceedings had been conducted against the accused earlier also, but that he had beaten her in order to change her deposition, what she had done at that time what resulted in his acquittal of the charge. Furthermore, during examination at the main hearing the underage injured party started to cry in fear of the accused. All specified circumstances indicate to what extent the injured parties were afraid of the accused.

During these proceedings the Court procured the finding and opinion of the Centre for Human Trafficking Victims Protection from which it established that the team of experts of this Centre concluded that the injured parties were the victims of trafficking in human beings and that using force and threats they were forced to beg in favour of the accused, and that all members of the accused's family were victims of domestic violence. When human trafficking victims are in question, this finding and opinion explained that it is not excluded and that it not unusual that after leaving the chain of human trafficking such victims continue by themselves to behave in the way they were forced to behave during many years, so that the possibility that the injured parties continue with begging after the accused's imprisonment is not excluded. Based on the expert neuropsychiatric testimony the Court established that the injured parties felt fear which in their case resulted in anxiety depressive contents, but did not cause permanent mental disorder.

For this case it is also characteristic that after being detained because of the respective criminal offences the accused continued to threaten the injured parties from detention in order for them to change their depositions so that he is acquitted of the charge. During the proceedings the accused did not dispute that he knew that the injured parties were involved in begging activities, but he denied that he forced them to do that. However, in his depositions he confirmed that he had exerted violence towards

members of his family telling that it happened sometimes that he hit some of his children and his wife. During the proceedings the injured parties did not file any property claim.

Because of committing two THB offences in these proceedings the accused was sentenced to the single term of imprisonment of six years.

APPENDIX: 2.

TRAFFICKING IN HUMAN BEINGS

- Appendix of the Ministry of Interior for the period January-December 2016

Introduction

Trafficking in human beings is a type of modern slavery and the problem of worldwide proportions that affects not only the countries undergoing the phase of economic and social transition, but also those industrially developed. Individuals profit from trafficking in human beings through control and exploitation of others. Estimates show that human traffickers earn between seven and sixty billions of dollars at annual level. According to the data of the United Nations, about 600,000 women, children and men find themselves in the chain of trafficking in human beings each year.

Although some groups appear as victims more often than others, the fact remains that a victim of trafficking in human beings can be anyone – both men and women, both boys and girls, independently of their origin, age, national affiliation, education, social status or some other characteristic.

In great number of cases the victims of trafficking in human beings are exposed to serious violence and physical restrictions of freedom of movement. However, very often their deference is ensured by threats, psychological manipulations and in other nonviolent ways and because of that it seems at first glance that they are free to make decisions about their lives. Very often traffickers give victims a small portion of earning to ensure that victims become more attached to them.

For a criminal offence of trafficking in human beings, in our country, undertaking of some of the alternatively specified acts of perpetrating is sufficient (recruitment, transport, transfer, hiding or giving shelter to persons, by using threat or force or other forms of coercion, abducting, fraud, deception, abuse of authority or vulnerability, or by giving or accepting money or other benefit aimed at obtaining consent of the person exercising control over other persons for exploitation purposes), in the manner provided for in the text of the Criminal Code and in order to implement some of the said forms of exploitation, regardless whether or not such goal has been actually achieved. As in the Palermo Protocol and in the Council of Europe Convention, position was taken that consent of a victim of trafficking in human beings to planned exploitation is of no significance in either case when above said actions are applied.

In the period from January to December 2016 police officers submitted **11** criminal charges because of reasonable suspicion that criminal offence of trafficking in human beings was committed, these charges encompass **14** perpetrators and **31** injured party – criminal offence victim was identified.

All criminal offence perpetrators are adult citizens of the Republic of Serbia, out of which **12** are male and **2** female persons.

All injured parties-victims of trafficking in human beings (**31**), identified in the respective period are citizens of the Republic of Serbia, out of which **28** are females, and **3** injured parties are males. As regards age structure **26** injured parties are adults and **5** injured parties are minors.

During the respective period majority of exploitations of injured parties was made in the territory of the Republic of Serbia, four in Germany and one was initiated/planned in Austria.

Methodology

The basis for the analysis is monthly statistical data on submitted criminal charges gathered at the level of the Ministry of Interior (Mol) that is gathered within the Mol's existing electronic base, and the analysis was supplemented and broadened with the data gathered from the texts of the submitted criminal charges based on which profiling of perpetrators and parties injured by the criminal offence is made, and with the data from open sources of information.

The analysis follows five main indicators related to trafficking in human beings:

1. submitted criminal charges (KP)
2. perpetrators of criminal offences
3. injured parties – victims of criminal offence (KD)
4. types of victim exploitation
5. location of exploitation

1. Statistical indicators

	Period January-December		
	2015	2016	trend %
Number of submitted KPs	15	11	-27
Number of detected KDs	17	12	-29
Number of perpetrators	27	14	-48
Number of victims	32	31	-3

1.1 Submitted criminal charges

In the period from January to December 2016 Mol police officers of the Republic of Serbia submitted **11** criminal charges because of reasonable suspicion that the criminal offence of trafficking in human beings was committed, what is by **27% less** than during 2015.

Two criminal charges were submitted pursuant to paragraph 6 (PU (Police Administration) Novi Sad – OPP (Border Police Department)) against two persons because of the reasonable suspicion that they were **engaged in committing** the said criminal offence, as their profession, and on that occasion 9 injured parties were identified.

One criminal charge was submitted pursuant to paragraph 7 ((SBPOK (Department for Fight against Organized Crime)) against three persons who, as **organized criminal group**, committed the said criminal offence, on which occasion two injured parties were identified.

Tabular overview of submitted criminal charges, detected criminal offences, perpetrators and injured parties-victims by organizational units-applicants of criminal charges

Organizational unit-applicant of KP	Number of submitted KPs	Number of detected KDs	Number of perpetrators	Number of victims
PU Novi Sad-OPP	3	3	3	13
PU Valjevo–OKP	1	1	1	4
PU Smederevo -OKP	1	1	1	4
PU Subotica-OKP	1	1	1	1
PU Zrenjanin-OPP	1	2	2	4
PU Šabac-OKP	1	1	1	1
PU Sremska Mitrovica-OPP	1	1	1	1
SBPOK	1	1	3	2
PU Bor- OPP	1	1	1	1
Total	11	12	14	31

- **KEY:** **KP** – Criminal charges; **KD** – Criminal offence; **PU** – Police Administration; **OKP** – Department of Criminal Police; **OPP** – Department/Sector of Border Police, for Foreigners, Suppression of Illegal Migrations and Trafficking in Human Beings; **SBPOK**- Department for Fight against Organized Crime

During the respective period, according to the type of exploitation of injured parties-victims of trafficking in human beings, criminal charges were submitted as follows:

- **8** criminal charges because of **sexual exploitation**, against **11** persons (**25** injured parties);
- **1** criminal charge because of **multiple exploitation** (labour and sexual exploitation), against 1 person (**4** injured parties);
- **2** criminal charges because of forced marriage, against **2** persons (**2** injured parties).

1.2 Perpetrators of criminal offence

During the respective period criminal charges were submitted against **14** perpetrators because of reasonable suspicion that they committed criminal offence of trafficking in human beings, what is by **48% less** than in the same period in 2015. All perpetrators are adult citizens of the Republic of Serbia, out of which **12** are male and **2** are female perpetrators.

As regards the type of exploitation the greatest number of perpetrators of criminal offence are sexually exploited victims-injured parties.

Overview of reported perpetrators of specified criminal offences classified by citizenship, gender and age structure

perpetrators			
nationality	male	female	total
Republic of Serbia	12	2	14
Total	12	2	14

perpetrators				
gender structure	Age structure			Total
	Up to 18	18-30	over 30	
male		1	11	12
female			2	2
Total		1	13	14
	minors	legal adults		
male		12		
female		2		
total		14		14

Tabular overview of perpetrators classified by type of exploitation, gender and age structure

Type of exploitation	T				Total
	male minors	male legal adults	female minors	female legal adults	
sexual		9		2	11
multiple		1			1
Forced marriage/relation		2			2
Total		12		2	14

1.3 Injured parties – victims of criminal offence

During the respective period **31** injured party – victim of criminal offence of trafficking in human beings was identified, what is by **3% less** than in the same period of the previous year.

All injured parties - victims of criminal offence of trafficking in human beings (**31**), identified in the respective period are citizens of the Republic of Serbia, out of which **28** (90%) females and **3** (10%) injured parties were males.

In terms of age structure **26** (84%) injured parties are adults and **5** injured parties are minors.

Tabular overview of injured parties in criminal charges – victims of trafficking in human beings classified by citizenship, gender and age structure

Victims – injured parties			
nationality	male	female	total
Republic of Serbia	3	28	31
Total	3	28	31

2.4 Exploitation of victims

By looking into the data on the type of exploitation of injured parties it was observed that **26** identified victims of trafficking in human beings were sexually exploited and that all these victims were females, **3** males were victims of labour exploitation and **2** females were forced to marry.

Tabular overview of injured parties – victims classified by types of exploitation, gender and age structure

Type of exploitation	Age structure – per number of victims						Total
	Male minors		Male legal adults	Female minors		female legal adults	
	up to 14	14-18		up to 14	14-18		
sexual					3	23	26
labour			3				3
Forced marriage/relation					2		2
Total			3		5	23	31

By looking into the data on the type of exploitation of injured parties it was observed that **26** identified victims of trafficking in human beings were sexually exploited and that all these victims were females, **3** males were victims of labour exploitation and **2** females were forced to marry.

Tabular overview of injured parties – victims classified by types of exploitation, gender and age structure

Type of exploitation	Age structure – per number of victims						Total
	Male minors		Male legal adults	Female minors		female legal adults	
	up to 14	14-18		up to 14	14-18		
sexual					3	23	26
labour			3				3
Forced marriage/relation					2		2
Total			3		5	23	31

Sexual exploitation is manifested through more types, and in the said criminal charges the most frequent exploitation was made by taking/bringing the victims to clients, as follows: **23** exploitations or 88%, out of which 20 injured parties were adults and 3 injured parties were minors, in hospitality facilities **one** adult female was exploited, through forced marriage/relation **one** adult female was exploited and **one** adult female was exploited through street prostitution.

Type of victim sexual exploitation	Age structure – per number of victims					Total	
	Male minors		Male legal adults	Female minors			Female legal adults
	Up to 14	14-18		from 14	14-18		
by taking/bringing victim to client				3	20	23	
in hospitality facilities					1	1	
through forced marriage/relation				1		1	
through street prostitution					1	1	
Total				4	22	26	

1.4 Place of exploitation

By place of exploitation in the respective period **8** criminal charges were submitted because of exploitation in the Republic of Serbia where 26 persons were exploited, **one** because of exploitation of two persons in Germany, **one** because of initiated/planned exploitation of one person in Austria, and **one** criminal charge was submitted because of exploitation of 2 persons in the Republic of Serbia and 2 persons in Germany.

Type of victim exploitation	Place of exploitation		
	exploitation in Serbia	exploitation abroad	Total
sexual	22	4	26
labour	3		3
Forced marriage/relation	1	1	2
Total	26	5	31

2. Summary of present situation

In the criminal charges all identified injured parties are citizens of the Republic of Serbia, what confirms that Serbia is the country of origin of the injured parties and that exploitation of injured parties is made both in the Republic of Serbia and more frequently abroad (Germany, Austria). As the most vulnerable category in Serbia recognized are women of younger age and minors, inmates of institutions for children without parental care, and vulnerable are also children of Roma nationality. In addition, it can be observed that men without employment are also a vulnerable category, in a difficult social and financial situation, most frequently they are misled and later on with use of threats and force they are forced to labour exploitation.

The greatest number of victims in these criminal offences was recruited by a person of confidence: a relative, member of immediate family, persons known to victim for a longer period, by using difficult social-economic and living conditions of victims and by abusing victims' trust and their wish for a better life.

Injured parties, in some cases, were recruited by abusing job announcements on internet, most frequently for the needs of work of females in hospitality facilities, as waitresses and ancillary workers or for erotic massage.

Especially vulnerable categories of people with increased risk to become victims of trafficking in human beings, are illegal migrants in transit through Serbia (especially children and girls travelling alone, but also those accompanied), because of the factors that make them vulnerable - the fact they don't have legal status, poverty, social isolation, etc. The newest findings from the field indicate also that the organizers of trafficking in human beings in Serbia, intending to earn money for themselves, initiated another business – prostitution of migrant girls and women.

In the period January-December 2016 no criminal charges were submitted for criminal offences from:

- Art. 389 of the Criminal Code – Trafficking in Minors for Adoption,
- Art. 390 of the Criminal Code – Holding in Slavery and Transportation of Enslaved Persons, and
- Art.79. Law on Transplantation of Organs

Agency for Coordination of Protection of Trafficking Victims - data

In the period from January 1 to 31 December 2016 the **Agency for Coordination of Protection of Trafficking Victims** identified **55** victims of trafficking in human beings, representing an increase by 37% compared to the previous year.

Underage victims of trafficking in human beings account for 38% of the total number of identified victims (21 underage victim), representing a decrease compared to incidence of underage victims in the previous year. Among underage victims, girls were exploited in 90% cases.

34 adult victims account for 62% of the identified victims, what is an obvious increase compared to the previous year. Among adult victims in 82% cases females were exploited.

The victims of trafficking in human beings mainly are citizens of the Republic of Serbia and such victims were predominantly exploited within the Republic of Serbia. Out of the total number of identified victims, citizens of Serbia account for 93% of victims (51 citizen of Serbia). Other victims are from Nepal, Afghanistan, Albania and Pakistan.

Type of exploitation	up to 18		over 18		TOTAL
	F	M	F	M	
Sexual	7		22		29
Labour exploitation		1		6	7
Forced marriage	3		1		4
Forced begging	1				1
Illegal adoption	2				2
Coercion to commit criminal offence		1			1
Multiple	6		5		11
Subtotal	19	2	28	6	
TOTAL	21		34		55

Identification among migrants

During 2016 forty notifications for identification were received among migrant population, out of which 35 notifications involved children and 5 notifications related to adults. **Two victims of trafficking in human beings were identified.** Both identified victims were females. One case relates to multiple national trafficking (labour exploitation and forced marriage, minor victim from Afghanistan) and the second case relates to sexual transnational trafficking (adult female from Nepal exploited in Turkey and Greece). **With 29 boys it was established that they could not be identified as victims at that time, but that a risk of trafficking in human beings exists.**

Sources of notifications in 2016

In the period from 1 January to 31 December 2016, the Agency for Coordination of Protection of Trafficking Victims received **150** notifications for identification of victims of trafficking in human beings, most of which were from the Ministry of Interior – 59 or 39%.

Source of notification	Number of notifications
Mol	59
System of social protection	42
Domestic NGOs	18
UN agencies and international NGOs	9
Prosecutor's office, court, health care, education	9
Centre for Human Trafficking Victims Protection ex officio	10
Unknown person	1
Personally	1
Commissariat for Refuges	1
TOTAL	150

APPENDIX: 3.
Appendix Filip Moris Operacije A.D. Niš